

**FOREIGN  
RELATIONS  
OF THE  
UNITED  
STATES**

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**1977–1980**

**VOLUME XXVI**

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**ARMS  
CONTROL  
AND  
NONPROLIFERATION**



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**DEPARTMENT  
OF  
STATE**

**Washington**



# Foreign Relations of the United States, 1977–1980

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Volume XXVI

## Arms Control and Nonproliferation

*Editor*

Chris Tudda

*General Editor*

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DEPARTMENT OF STATE  
OFFICE OF THE HISTORIAN  
BUREAU OF PUBLIC AFFAIRS

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# About the Series

The *Foreign Relations of the United States* series presents the official documentary historical record of major foreign policy decisions and significant diplomatic activity of the U.S. Government. The Historian of the Department of State is charged with the responsibility for the preparation of the *Foreign Relations* series. The staff of the Office of the Historian, Bureau of Public Affairs, under the direction of the General Editor of the *Foreign Relations* series, plans, researches, compiles, and edits the volumes in the series. Secretary of State Frank B. Kellogg first promulgated official regulations codifying specific standards for the selection and editing of documents for the series on March 26, 1925. These regulations, with minor modifications, guided the series through 1991.

Public Law 102-138, the Foreign Relations Authorization Act, established a new statutory charter for the preparation of the series which was signed by President George H.W. Bush on October 28, 1991. Section 198 of P.L. 102-138 added a new Title IV to the Department of State's Basic Authorities Act of 1956 (22 U.S.C. 4351, et seq.).

The statute requires that the *Foreign Relations* series be a thorough, accurate, and reliable record of major U.S. foreign policy decisions and significant U.S. diplomatic activity. The volumes of the series should include all records needed to provide comprehensive documentation of major foreign policy decisions and actions of the U.S. Government. The statute also confirms the editing principles established by Secretary Kellogg: the *Foreign Relations* series is guided by the principles of historical objectivity and accuracy; records should not be altered or deletions made without indicating in the published text that a deletion has been made; the published record should omit no facts that were of major importance in reaching a decision; and nothing should be omitted for the purposes of concealing a defect in policy. The statute also requires that the *Foreign Relations* series be published not more than 30 years after the events recorded. The editors are convinced that this volume meets all regulatory, statutory, and scholarly standards of selection and editing.

## *Sources for the Foreign Relations Series*

The *Foreign Relations* statute requires that the published record in the *Foreign Relations* series include all records needed to provide comprehensive documentation of major U.S. foreign policy decisions and significant U.S. diplomatic activity. It further requires that government

agencies, departments, and other entities of the U.S. Government engaged in foreign policy formulation, execution, or support cooperate with the Department of State historians by providing full and complete access to records pertinent to foreign policy decisions and actions and by providing copies of selected records. Most of the sources consulted in the preparation of this volume have been declassified and are available for review at the National Archives and Records Administration (Archives II), in College Park, Maryland.

The editors of the *Foreign Relations* series have complete access to all the retired records and papers of the Department of State: the central files of the Department; the special decentralized files ("lot files") of the Department at the bureau, office, and division levels; the files of the Department's Executive Secretariat, which contain the records of international conferences and high-level official visits, correspondence with foreign leaders by the President and Secretary of State, and the memoranda of conversations between the President and the Secretary of State and foreign officials; and the files of overseas diplomatic posts. All of the Department's central files for 1977–1981 are available in electronic or microfilm formats at Archives II, and may be accessed using the Access to Archival Databases (AAD) tool. Almost all of the Department's decentralized office files covering this period, which the National Archives deems worthy of permanent retention, have been transferred to or are in the process of being transferred from the Department's custody to Archives II.

Research for *Foreign Relations* volumes is undertaken through special access to restricted documents at the Jimmy Carter Presidential Library and other agencies. While all the material printed in this volume has been declassified, some of it is extracted from still-classified documents. The staff of the Carter Library is processing and declassifying many of the documents used in this volume, but they may not be available in their entirety at the time of publication. Presidential papers maintained and preserved at the Carter Library include some of the most significant foreign-affairs related documentation from White House offices, the Department of State, and other federal agencies including the National Security Council, the Central Intelligence Agency, the Department of Defense, and the Joint Chiefs of Staff.

Some of the research for volumes in this subseries was done in Carter Library record collections scanned for the Remote Archive Capture (RAC) project. This project, which is administered by the National Archives and Records Administration's Office of Presidential Libraries, was designed to coordinate the declassification of still-classified records held in various Presidential libraries. As a result of the way in which records were scanned for the RAC, the editors of the *Foreign Re-*

*lations* series were not always able to determine whether attachments to a given document were in fact attached to the paper copy of the document in the Carter Library file. In such cases, some editors of the *Foreign Relations* series have indicated this ambiguity by stating that the attachments were "Not found attached."

### *Editorial Methodology*

The documents are presented chronologically according to time in Washington, DC. Memoranda of conversation are placed according to the time and date of the conversation, rather than the date the memorandum was drafted.

Editorial treatment of the documents published in the *Foreign Relations* series follows Office style guidelines, supplemented by guidance from the General Editor and the Chief of the Editing and Publishing Division. The original document is reproduced as exactly as possible, including marginalia or other notations, which are described in the footnotes. Texts are transcribed and printed according to accepted conventions for the publication of historical documents within the limitations of modern typography. A heading has been supplied by the editors for each document included in the volume. Spelling, capitalization, and punctuation are retained as found in the original text, except that obvious typographical errors are silently corrected. Other mistakes and omissions in the documents are corrected by bracketed insertions: a correction is set in italic type; an addition in roman type. Words or phrases underlined in the original document are printed in italics. Abbreviations and contractions are preserved as found in the original text, and a list of abbreviations and terms is included in the front matter of each volume. In telegrams, the telegram number (including special designators such as Secto) is printed at the start of the text of the telegram.

Bracketed insertions are also used to indicate omitted text that deals with an unrelated subject (in roman type) or that remains classified after declassification review (in italic type). The amount and, where possible, the nature of the material not declassified has been noted by indicating the number of lines or pages of text that were omitted. Entire documents withheld after declassification review have been accounted for and are listed in their chronological place with headings, source notes, and the number of pages not declassified.

All brackets that appear in the original document are so identified in the footnotes. All ellipses are in the original documents.

The first footnote to each document indicates the sources of the document and its original classification, distribution, and drafting information. This note also provides the background of important docu-

ments and policies and indicates whether the President or his major policy advisers read the document.

Editorial notes and additional annotation summarize pertinent material not printed in the volume, indicate the location of additional documentary sources, provide references to important related documents printed in other volumes, describe key events, and provide summaries of and citations to public statements that supplement and elucidate the printed documents. Information derived from memoirs and other first-hand accounts has been used when appropriate to supplement or explicate the official record.

The numbers in the index refer to document numbers rather than to page numbers.

### *Advisory Committee on Historical Diplomatic Documentation*

The Advisory Committee on Historical Diplomatic Documentation, established under the *Foreign Relations* statute, monitors the overall compilation and editorial process of the series and advises on all aspects of the preparation of the series and declassification of records. The Advisory Committee does not necessarily review the contents of individual volumes in the series, but it makes recommendations on issues that come to its attention and reviews volumes as it deems necessary to fulfill its advisory and statutory obligations.

### *Declassification Review*

The Office of Information Programs and Services, Bureau of Administration, conducted the declassification review for the Department of State of the documents published in this volume. The review was conducted in accordance with the standards set forth in Executive Order 13526 on Classified National Security Information and applicable laws.

The principle guiding declassification review is to release all information, subject only to the current requirements of national security as embodied in law and regulation. Declassification decisions entailed concurrence of the appropriate geographic and functional bureaus in the Department of State, other concerned agencies of the U.S. Government, and the appropriate foreign governments regarding specific documents of those governments. The declassification review of this volume, which began in 2012 and was completed in 2014, resulted in the decision to withhold 2 documents in full, excise a paragraph or more in 21 documents, and make minor excisions of less than a paragraph in 58 documents.

The Office of the Historian is confident, on the basis of the research conducted in preparing this volume and as a result of the declassification review process described above, that the documentation and edito-

rial notes presented here provide a thorough, accurate, and reliable record of the Carter administration's arms control policies.

**Stephen P. Randolph, Ph.D.**  
*The Historian*

**Adam M. Howard, Ph.D.**  
*General Editor*

Bureau of Public Affairs  
November 2015





# Preface

## *Structure and Scope of the Foreign Relations Series*

This volume is part of a subseries of volumes of the *Foreign Relations* series that documents the most important issues in the foreign policy of the administration of Jimmy Carter. The subseries presents a documentary record of major foreign policy decisions and actions of President Carter. This volume documents U.S. arms control policy during the entire Carter administration, in six chapters: Anti-Satellite (ASAT) Weapons and Talks; Chemical and Biological Weapons (CBW) and the Sverdlovsk Incident; Comprehensive Test Ban (CTB) and Peaceful Nuclear Explosions (PNE); Conventional Arms Talks; Nuclear Non-Proliferation, Safeguards, and the International Nuclear Fuel Cycle Evaluation (INFCE); Nuclear Non-Proliferation in Latin America; and the Special Session on Disarmament (SSOD).

Arms control initiatives were at the top of Carter's foreign policy agenda, just as they had been in the Nixon and Ford administrations, and much of the negotiations took place between the United States and the Soviet Union, China, and European allies. This volume is therefore best read in conjunction with other volumes in the Nixon-Ford and Carter subseries, in order to understand the breadth and scope of U.S. arms control policy during the Carter administration. The most important of these volumes include *Foreign Relations, 1977–1980*, vol. VI, Soviet Union; *Foreign Relations, 1977–1980*, vol. XIII, China; *Foreign Relations, 1969–1976*, vol. XXXIII, SALT II, 1972–1980; *Foreign Relations, 1977–1980*, vol. XIV, Korea; Japan; *Foreign Relations, 1977–1980*, vol. XXVII, Western Europe; *Foreign Relations, 1969–1976*, vol E–11, Part 1, Documents on Mexico; Central America; and the Caribbean, 1973–1976; *Foreign Relations, 1969–1976*, vol. E–11, Part 2, Documents on South America, 1973–1976; and *Foreign Relations 1977–1980*, vol. XXIV, South America; Latin American Regional.

## *Focus of Research and Principles of Selection for Foreign Relations, 1977–1980, Volume XXVI*

The focus of this volume is on the arms control initiatives other than the Strategic Arms Limitation Talks (SALT) undertaken by the Carter administration. Each of the six chapters is presented in chronological order, and each documents the challenges Jimmy Carter faced in the latter period of détente. Carter and his national security team inherited a number of initiatives from the Gerald Ford administration, but in the first year of his administration, Carter focused on reorienting U.S.

arms control policy. Carter's emphasis on the promotion of human rights, which the Nixon and Ford administrations had chosen to downplay, also impacted his arms control policy. Carter wanted to reduce conventional arms sales and transfers to U.S. allies who did not place a high value on human rights. At the same time, Carter's experience as a nuclear engineer allowed him to take a personal interest in many of these new initiatives, in particular the Non-Proliferation and INFCE discussions, from 1977 through the early part of 1979. However, after Carter was drawn into the Iran Hostage and Afghanistan crises, and as détente faltered, many of these non-SALT arms control initiatives waned in importance. His personal involvement notably decreased, and he began to act in ways similar to the Nixon administration, most noticeably when he began to approve nearly all conventional arms sales requests.

Unlike Nixon and Ford, who met regularly with Soviet General Secretary Leonid Brezhnev, Carter and Brezhnev only met once, in Vienna in 1979. Thus, they communicated most frequently by letter, and proposed arms control initiatives such as ASAT negotiations and the general issue of non-proliferation in outer space, CBW discussions, the CTB and PNE talks, and general nuclear non-proliferation initiatives. The ASAT negotiations were hampered not only by technical definitions of anti-satellite capabilities, but also Moscow's insistence that the U.S. space shuttle program be subject to any ASAT agreement. The CBW talks, just like in the Nixon and Ford administrations, got set back over the issue of how to identify incapacitants as well as how a treaty would be verified. The United States insisted that a treaty could only be verified by on-site inspections (OSIs), but the Soviets balked at allowing such visits of their facilities. The CBW talks were also particularly affected by accusations that the Soviets and their allies were using chemical weapons in Afghanistan and Southeast Asia, and especially by the belated discovery in 1980 of a 1979 outbreak of anthrax in a Soviet biological weapons factory in Sverdlovsk, which violated the Biological Convention signed by Nixon and Brezhnev at the 1972 Moscow Summit.

The CTB/PNE negotiations also involved the United Kingdom, and were affected by the Labour government's fall in 1979, the rise of Margaret Thatcher's conservative rule, and British opposition to the construction of multiple National Seismic Stations on its soil. Verification of a potential CTB treaty remained a sore point, as the Soviets refused to allow OSIs. In the fall of 1980, the U.S. repeatedly accused the Soviet Union of conducting high-yield nuclear tests in violation of the 1976 Threshold Test-Ban Treaty (TTBT). Coming on the heels of the Soviet invasion of, and the charges of their use of chemical weapons in, Afghanistan, and the Sverdlovsk incident, the alleged TTBT violations further chilled U.S.-Soviet relations.

Carter's nuclear non-proliferation initiatives, including his concern that nuclear facilities and materials ostensibly meant for "peaceful" purposes could be diverted into weapons programs, worried U.S. allies, in particularly Japan, who wanted to decrease their dependence on oil imports by using nuclear energy. In Latin America, meanwhile, Carter engaged allies in an attempt to prevent the proliferation of nuclear weapons. In the first three months of his administration, Carter's opposition to the Federal Republic of Germany's (FRG) 1975 sale of a nuclear reactor and plutonium technology to Brazil threatened to disrupt U.S.-FRG and U.S.-Brazilian relations. Carter also followed Mexico's lead and spent much of his administration trying to convince Brazil, Argentina, and Cuba to sign and/or ratify the 1968 Treaty of Tlatelolco, which banned nuclear weapons throughout Latin America. After much pressure from its European allies and developing nations, the administration also devoted significant attention to the 1978 UN Special Session on Disarmament

The majority of communication and policy making was done at the Secretary of State/Foreign Minister or Ambassadorial levels. Cables and memoranda of conversation thoroughly document these interactions. Much of the correspondence was transmitted as cables through embassies, not through the hotline that had become popular under Nixon. Although Secretary of State Cyrus Vance met with Soviet officials both in Washington, D.C. and abroad, National Security Adviser Zbigniew Brzezinski, a Soviet expert, clearly carved out a space for himself and sought greater influence through his meetings with Soviet officials and his communications with Carter as the administration progressed. Secretary of Defense Harold Brown, Secretary of Energy James Schlesinger, and Carter's Special Assistant for Non-Proliferation, Ambassador Gerard Smith (who had been Nixon's Representative during the SALT I talks) also emerged as significant players in the many inter-agency arms control meetings. As a result, the hierarchy that was clear during the Nixon administration was more complex during the Carter years, in part because Carter sought to be receptive to and inclusive of a variety of ideas and people.

#### *Acknowledgments*

The editor wishes to acknowledge the assistance of officials at the Jimmy Carter Library, especially Ceri McCarron, Brittany Parris, and James Yancey. Thanks are also due to Nancy Smith, then Director of the Presidential Materials Staff at the National Archives and Records Administration, and to the Central Intelligence Agency for arranging access to the Carter Library materials scanned for the Remote Archive Capture project. Special thanks are due to Ernest Emrich, who helped facilitate access to the Harold Brown and James Schlesinger Papers at the Library of Congress.

The editor collected and selected documentation and edited the volume under the supervision of Kathleen B. Rasmussen, Chief of the Global Issues and General Division, and Stephen P. Randolph, then the General Editor of the *Foreign Relations* series. He also coordinated the declassification review, under the supervision first of Susan C. Weetman, then Chief of the Declassification and Publishing Division, and later Carl Ashley, Chief of the Declassification Division. Thomas I. Faith performed the copy and technical editing. Do Mi Stauber prepared the index.

**Chris Tudda**

*Historian*

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# Sources

## *Sources for Foreign Relations, 1977–1980, Volume XXVI*

The files at the Jimmy Carter Presidential Library in Atlanta, Georgia, are the single most important source of documentation for those interested in arms control during the Carter administration. Foreign policy research in the Carter Presidential Library centers around two collections: National Security Affairs (NSA), Brezezinski Material, and the NSA, Staff Material. The lot file containing the records of Secretary of State Cyrus Vance is a rich repository of key memoranda of conversation between Vance and the leading political figures involved in arms control discussions. The records of Deputy Secretary of State Warren Christopher (much of which was already declassified at the time of research) proved important particularly when he was serving as Acting Secretary of State. The lot file containing the records of the Arms Control and Disarmament Agency were particularly helpful. Finally, the papers of Secretary of Defense Harold Brown at the Library of Congress document the enormous influence exerted by a relatively unknown cabinet official during the Carter administration. The editor also had access to records at the National Security Council, the Central Intelligence Agency, and the Department of Defense.

The editor made considerable use of materials already compiled for other volumes in the *Foreign Relations* series, including those of the Soviet Union; China; Japan, Korea; Mexico, Cuba, and the Caribbean; South America; SALT II; and Western Europe. Readers interested in these subjects should consult the relevant volumes for further information on the specific sources used in research.

The following list identifies the particular files and collections used in the preparation of this volume. The declassification and transfer to the National Archives of the Department of State records is in process, and some of these records are already available for public review at the National Archives. In addition to the paper files cited below, a growing number of documents are available on the Internet. The Office of the Historian maintains a list of these Internet resources on its website and encourages readers to consult that site on a regular basis.



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*Lot files.* These files have been transferred or will be transferred to the National Archives and Record Administration in College Park, Maryland.

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Executive Secretariat Files, Lot 84D161

Personal Files of Secretary of State Cyrus Vance, Lot 80D135

Chronological and subject files of Cyrus Vance, Secretary of State, 1977–1980

Papers of Michael Armacost, Lot 89D265

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National Security Affairs

Brzezinski Material

Brzezinski Office File

Country File

General Odom File

Meetings File

Name File

President's Correspondence with Foreign Leaders File

Subject Chron File

Subject File

Trip Files

Unfiled File

VIP Visit File

Staff Material

Agency File

Defense/Security Files

Freedom of Information/Legal Files

Global Issues

North/South

Office File

Staff Secretary File

Europe, USSR, and East/West

Donated Historical Material, Zbigniew Brzezinski File  
Plains File  
Institutional File

National Security Council Meetings  
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Presidential Review Memoranda

Papers of Walter F. Mondale

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Office of the Director of Central Intelligence  
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Harold Brown Papers  
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# Abbreviations and Terms

**ABM**, anti-ballistic missile

**acce**, accordance

**ACDA**, Arms Control and Disarmament Agency

**ACDA/D**, Office of the Director, Arms Control and Disarmament Agency

**ACDA/DD**, Office of the Deputy Director, Arms Control and Disarmament Agency

**ACDA/IR**, Office of International Relations, Arms Control and Disarmament Agency

**ACIS**, arms control impact statement

**ADM**, air-launched decoy missile

**AEC**, Atomic Energy Commission

**ALCM**, air-launched cruise missile

**alrey**, already

**ARA**, Bureau of Inter-American Affairs, Department of State

**ASAT**, anti-satellite

**ASD (A)**, Assistant Secretary of Defense (Administration)

**ASD (I)**, Assistant Secretary of Defense (Intelligence)

**ASD (SA)**, Assistant Secretary of Defense (Systems Analysis)

**ATP**, augmented test program

**ATR**, advanced test reactor

**AWAC**, airborne warning and control

**backchannel**, a method of communication outside normal bureaucratic procedure; the White House, for instance, used “backchannel” messages to pass the Department of State

**BW**, biological (bacteriological) warfare

**CAP**, Carlos André Peréz

**CAT**, conventional arms transfers

**CBW**, chemical and biological (bacteriological) warfare

**CCD**, Conference of the Committee on Disarmament

**CIA**, Central Intelligence Agency

**CJCS**, Chair, Joint Chiefs of Staff

**CNEA**, *Comisión Nacional de Energía Atómica* (Argentine Atomic Energy Commission)

**CPSU**, Communist Party of the Soviet Union

**CSCE**, Conference on Security and Cooperation in Europe

**CTB**, comprehensive test ban

**CTBT**, Comprehensive Test Ban Treaty

**CV**, Cyrus Vance

**CW**, chemical weapons

**D**, Office of the Deputy Secretary of State

**DCI**, Director of Central Intelligence

**DCM**, Deputy Chief of Mission

**DD/P**, Deputy Director for Plans, Central Intelligence Agency

**Del**, Delegate or Delegation

**Dept**, Department

**Deptel**, Department of State telegram

**DG**, Director General of the Foreign Service, Department of State

## XX Abbreviations and Terms

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**DIA**, Defense Intelligence Agency

**dissem**, dissemination

**DOD**, Department of Defense

**DOS**, Department of State

**DPRC**, Defense Program Review Committee

**EEC**, European Economic Community

**EOB**, Executive Office Building

**ER**, enhanced radiation

**ERDA**, Energy Research and Development Agency

**ERW**, enhanced radiation weapon

**EST**, Eastern Standard Time

**EUR**, Bureau of European Affairs, Department of State

**EURATOM**, European Atomic Energy Community

**Exdis**, exclusive distribution

**FBR**, fixed bed reactor

**FMS**, foreign military sales

**FonMin**, Foreign Ministry

**FonOff**, Foreign Office

**FRC**, Federal Records Center

**FRG**, Federal Republic of Germany

**FSO**, Foreign Service Officer

**FSS**, full-scope safeguards

**FY**, fiscal year

**FYI**, for your information

**GDR**, German Democratic Republic

**GOA**, Government of Argentina

**GOA**, Government of Australia

**GOB**, Government of Brazil

**GOF**, Government of France

**GOJ**, Government of Japan

**GOP**, Government of Pakistan

**HB**, Harold Brown

**HEL**, high-energy laser

**HEU**, highly-enriched uranium

**HMG**, Her Majesty's Government

**HWR**, heavy water reactor

**HWT**, heavy water technology

**IAEA**, International Atomic Energy Agency

**IAWG**, Interagency Working Group

**ICBM**, intercontinental ballistic missile

**ICC**, International Control Commission

**INFCE**, International Nuclear Fuel Cycle Evaluation

**INR**, Bureau of Intelligence and Research, Department of State

**INR/DDC**, Office of the Deputy Director for Coordination, Bureau of Intelligence and Research, Department of State

**INR/IL**, Intelligence Liaison, Bureau of Intelligence and Research, Department of State

**IO**, Bureau of International Organization Affairs, Department of State

**IOC**, initial operating capability

**IPMG**, Interdepartmental Political-Military Group

**IRBM**, intermediate-range ballistic missile  
**IRG**, Interdepartmental Regional Group  
**ISA**, Office of International Security Affairs, Department of Defense  
**ISIS**, internal seismic installations  
**ITAR**, International Traffic in Arms Regulations

**JCC**, Joint Consultative Committee  
**JCS**, Joint Chiefs of Staff  
**JCSM**, Joint Chiefs of Staff Memorandum

**km**, kilometers

**LANFZ**, Latin American Nuclear Free Zone  
**LDC**, least/lesser-developed country  
**LEU**, low-enriched uranium  
**Limdis**, limited distribution  
**LMFBR**, liquid metal fast breeder reactor  
**LRTNF**, long-range theater nuclear forces  
**LTBT**, Limited Test Ban Treaty

**MAD**, mutual assured destruction  
**MANPADS**, man-portable air-defense systems  
**MAP**, Military Assistance Program  
**MBFR**, Mutual Balanced Force Reductions  
**Mbr**, Member  
**MDW**, mass destruction weapons  
**ME**, Middle East  
**memcon**, memorandum of conversation  
**MHV**, miniature homing vehicle, a two-stage anti-satellite missile  
**MIRV**, multiple independently-targeted reentry vehicle  
**MLF**, multilateral force  
**mm**, millimeter  
**MM**, minuteman  
**MOD**, Ministry of Defence (UK)  
**MR**, Memorandum for the Record  
**mtg**, meeting  
**mws**, megawatts  
**MX**, missile experimental

**NAC**, North Atlantic Council  
**NASA**, National Aeronautics and Space Administration  
**NATO**, North Atlantic Treaty Organization  
**NCA**, National Command Authority  
**negative security assurance**, pledge not to use nuclear weapons against Non-Nuclear  
 Weapon States that signed the Non-Proliferation Treaty  
**NGO**, non-governmental organization  
**NIE**, National Intelligence Estimate  
**NNPA**, Nuclear Non-Proliferation Act (1978)  
**NNWS**, Non-Nuclear Weapon States  
**Nodis**, no distribution  
**NPG**, Nuclear Planning Group  
**NPT**, Non-Proliferation Treaty  
**NRC**, Nuclear Regulatory Commission  
**NRP**, National Reconnaissance Program

## XXII Abbreviations and Terms

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**NSA**, National Security Agency  
**NSC**, National Security Council  
**NSCID**, National Security Council Intelligence Directive  
**NSDM**, National Security Decision Memorandum  
**NSF**, National Science Foundation  
**NSG**, Nuclear Suppliers Group  
**NTM**, national technical means  
**NUF**, non-use of Force  
**NWFZ**, nuclear weapons free zone  
**NWS**, Nuclear Weapon States

**O**, Deputy Under Secretary of State for Administration  
**O/DDI**, Office of the Deputy Director for Intelligence, Central Intelligence Agency  
**OAS**, Organization of American States  
**OASD**, Office of the Assistant Secretary of Defense  
**OASD, ISA**, Office of the Assistant Secretary of Defense, International Security Affairs  
**OASD, SA**, Office of the Assistant Secretary of Defense, Systems Analysis  
**OES**, Bureau of Oceans and Scientific and Environmental Affairs, Department of State  
**OMB**, Office of Management and Budget  
**ONE**, Office of National Estimates  
**OPANAL**, Organization for the Prohibition of Nuclear Weapons in Latin America  
**OSD**, Office of the Secretary of Defense  
**OSI**, Office of Scientific Intelligence  
**OSI**, on-site inspection  
**OST**, Office of Science and Technology

**P.L.**, Public Law  
**para**, paragraph  
**PCW**, Paul C. Warnke  
**PD**, Presidential Directive  
**PermRep**, Permanent Representative  
**PM**, Bureau of Politico-Military Affairs, Department of State  
**PM/ISP**, Office of International Security Policy and Planning, Bureau of Politico-Military Affairs, Department of State  
**PMG**, Politico-Military Group  
**PNE**, peaceful nuclear explosion  
**Polad**, political adviser  
**PRC**, People's Republic of China  
**PRC**, Policy Review Committee  
**PrepCom**, Preparatory Committee  
**Pres**, President  
**PRM**, Presidential Review Memorandum  
**PSAC**, President's Science Advisory Committee  
**PU**, plutonium

**R&D**, research and development  
**RB**, reduced blast  
**RDT&E**, research, development, test, and evaluation  
**Ref or Reftel**, reference telegram  
**Rep**, Representative  
**Res**, Resolution  
**RG**, Record Group  
**rpt**, repeat  
**RPV**, remotely piloted vehicle

**RW**, radiological weapons

**RWE**, Ralph W. Earle

**S**, Office of the Secretary of State

**S/P**, Policy Planning Council or Staff, Department of State

**S/PC**, Planning and Coordination Staff, Department of State

**S/S**, Executive Secretariat, Department of State

**S/S-I**, Information Section, Executive Secretariat, Department of State

**SAC**, Strategic Air Command

**SAG**, South African Government

**SAGSI**, Standing Advisory Group on Safeguards Implementation

**SALT**, Strategic Arms Limitation Talks

**SAM**, surface to air missile

**SC**, Security Council

**SCC**, Special Coordination Committee

**SCI**, Office of International Scientific and Technological Affairs, Department of State

**SCICOUNS**, Scientific Counselor

**SEA**, Southeast Asia

**SecDef**, Secretary of Defense

**Secto**, backchannel message from Secretary of State

**SELA**, *Sistema Económico Latinoamericano*

**Septel**, separate telegram

**SFRC**, Senate Foreign Relations Committee

**SIG**, Senior Interdepartmental Group

**SNIE**, Special National Intelligence Estimate

**SNM**, special nuclear materials

**SOP**, standard operating procedure

**SOV**, Office of Soviet Union Affairs, Bureau of European Affairs, Department of State

**SS-20**, Soviet intermediate-range ballistic missile

**SSM**, surface-to-surface missile

**SSOD**, Special Session on Disarmament

**SU**, Soviet Union

**SYG**, Secretary General

**T**, Bureau of Security Assistance, Science, and Technology, Department of State

**TASS**, *Telegrafnoye Agentsvo Sovetskogo Soiuz* (Telegraph Agency of the Soviet Union)

**Telcon**, telephone conversation

**TIAS**, Treaties and Other International Acts Series

**TNF**, Theater Nuclear Forces

**TS**, top secret

**TTBT**, Threshold Test Ban Treaty

**UK**, United Kingdom

**UN**, United Nations

**UNCTAD**, United Nations Conference on Trade and Development

**UNDC**, United Nations Disarmament Commission

**UNGA**, United Nations General Assembly

**UNSYG**, Secretary General, United Nations

**URENCO**, Uranium Enrichment Company (UK)

**US**, United States

**USAEC**, United States Atomic Energy Commission

**USG**, United States Government

**USINT**, United States Interest Section in Cuba

**USNATO**, United States Mission to the North Atlantic Treaty Organization



**USSR**, Union of Soviet Socialist Republics

**USUN**, United States Mission to the United Nations

**WDC**, World Disarmament Conference

**Z**, Zulu time (Greenwich Mean Time)

# Persons

- Aaron, David**, Deputy Assistant to the President for National Security Affairs from 1977 until January 1981
- Aden, Alberto**, Argentine Minister of International Organizations from 1974 until 1979
- Andreotti, Giulio**, Prime Minister of Italy from 1976 until 1979
- Bahr, Egon**, State Secretary, West German Federal Chancellery; Federal Minister for Special Affairs until 1974; Federal Republic of Germany Minister for Economic Cooperation from 1974 until 1976
- Baker, Howard**, Senator (D-Tennessee); Senate Minority Leader from 1977 until 1981
- Barre, Raymond**, Prime Minister of France from 1976 until 1981
- Bartholomew, Reginald**, Deputy Director, Bureau of Politico-Military Affairs, Department of State, from 1977 until 1979; Director, Bureau of Politico-Military Affairs, Department of State, from 1979 until 1981; Member, National Security Council Staff
- Benson, Lucy Wilson**, Under Secretary of State for Security Assistance, Science, and Technology from 1977 until 1980
- Bessmertnykh, Alexander A.**, Counselor, Embassy of the Soviet Union
- Bhutto, Zulfikar Ali**, Prime Minister of Pakistan from 1973 until July 5, 1977
- Botha, Roelof Frederick (Pik)**, Foreign Minister of South Africa from 1977 until 1994
- Bowdler, William G.**, U.S. Ambassador to South Africa from 1975 until April 19, 1978
- Bowie, Robert R.**, Deputy Director of Intelligence, Central Intelligence Agency, 1977 until 1979
- Brewster, Kingman**, U.S. Ambassador to the United Kingdom from 1977 until 1981
- Brezhnev, Leonid I.**, General Secretary of the Communist Party of the Soviet Union
- Brown, George S.**, General, USAF; Chairman of the Joint Chiefs of Staff from July 1, 1974 until June 20, 1978
- Brown, Harold**, Secretary of Defense from January 20, 1977 until January 20, 1981
- Brzezinski, Zbigniew**, Assistant to the President for National Security Affairs from January 21, 1977 until January 20, 1981
- Buchheim, Robert**, Deputy to the U.S. Team Leader, Bilateral Working Group on Anti-Satellite Systems from 1978 until 1979; Team Leader 1979
- Callaghan, James**, Prime Minister of the United Kingdom from April 1976 until May 4, 1979
- Carter, James Earl (Jimmy)**, President of the United States from January 20, 1977 until January 20, 1981
- Carter, Rosalyn**, First Lady of the United States from January 20, 1977 until January 20, 1981
- Castro, Fidel**, Prime Minister of Cuba until 1976; President of Cuba from 1976
- Castro, Raul**, U.S. Ambassador to Argentina from 1977 until 1980
- Christopher, Warren**, Deputy Secretary of State from February 1977 until January 20, 1981
- Clark, Richard (Dick)**, Senator (D-Iowa) until January 1979; Ambassador-at-Large and U.S. Coordinator for Refugee Affairs from May until November 1979
- Clift, A. Denis**, Member, National Security Council Staff until 1976; Assistant for National Security Affairs for the Vice President of the United States from 1977 until 1981
- Crimmins, John Hugh**, U.S. Ambassador to Brazil until 1978

**Desai, Morarji**, Prime Minister of India from 1977 until 1979

**Dobrynin, Anatoliy F.**, Soviet Ambassador to the United States

**Duncan, Charles W.**, Deputy Secretary of Defense from 1977 until 1979; Secretary of Energy from August 24, 1979 until January 20, 1981

**Earle, Ralph, II**, U.S. Ambassador and Director of the Arms Control and Disarmament Agency from 1980

**Espil, Jorge Aja**, Argentine Ambassador to the United States from 1977 until 1980

**Farley, Philip J.**, Deputy to the Special Presidential Assistant for Non-Proliferation Matters from 1977 until 1978

**Fisher, Adrian**, Special Adviser, U.S. Delegation to the 32nd UN General Assembly from 1977 until 1978; Head, U.S. Delegation on U.S.–USSR Working Groups on Prohibition of Radiological Weapons, New Types of and Systems of Mass Destruction and Chemical Weapons from 1977 until 1979; Alternate Representative, Tenth Special Session of the UN General Assembly, 1978

**Flowerree, Charles C.**, Chief of International Division, Arms Control and Disarmament Agency from 1977 until 1980

**Ford, Gerald R.**, President of the United States from August 9, 1974 until January 20, 1977

**Fri, Robert W.**, Acting Director of the Energy Research and Development Administration from January until September 1977

**Frosch, Robert A.**, Administrator of the National Aeronautics and Space Administration from June 1977 until January 20, 1981

**Fukuda, Takeo**, Prime Minister of Japan from 1976 until 1978

**García Robles, Alfonso**, Mexican Foreign Secretary from 1975 until 1976; Permanent Representative to the 1977 Geneva Disarmament Conference; Chairman of the Mexican Delegation to the UN Special Session on Disarmament, 1978

**Geisel, Ernesto**, President of Brazil from 1974 until 1979

**Gelb, Leslie H.**, Assistant Secretary of State, Bureau of Politico-Military Affairs, Department of State from 1977 until 1979

**Genscher, Hans Dietrich**, Foreign Minister of the Federal Republic of Germany from 1974 until 1992

**Gilligan, John**, Director, Agency for International Development from March 1977 until July 1979

**Giscard d'Estaing, Valéry**, President of France from 1974 until 1981

**Glenn, John**, Senator (D–Ohio)

**Gleysteen, William H, Jr.**, Member, National Security Council Staff from August 1976 until January 1977; Deputy Assistant Secretary for East Asian and Pacific Affairs from January 1977 until June 1978; U.S. Ambassador to Korea from July 1978 until June 1981

**González Gálves, Sergio**, Director-in-Chief for International Organizations, Mexican Secretariat of Foreign Relations from 1977 until 1979

**Gromyko, Andrei A.**, Soviet Foreign Minister from 1957 until 1985

**Gros Espiell, Hector**, Secretary-General, Organization for the Prohibition of Nuclear Weapons in Latin America from 1977 until 1980

**Guiringaud, Louis de**, Foreign Minister of France from 1976 until 1978

**Haig, Alexander M., Jr.**, Brigadier General, USA; Commander-in-Chief, European Command and Supreme Allied Commander Europe from 1974 until 1979

**Hanson, Thor**, Rear Admiral, USN; Military Assistant to the Secretary of Defense from 1977 until 1981

**Harriman, Averell**, U.S. Representative, Tenth Special Session of the UN General Assembly, 1978

- Hartman, Arthur A.**, Assistant Secretary of State for European Affairs from January 8, 1974 until June 8, 1977; U.S. Ambassador to France from 1977 until 1981
- Hatfield, Mark**, Senator (R-Oregon); ranking member of the Senate Appropriations Committee
- Hermes, Peter**, State Secretary of the Foreign Ministry of the Federal Republic of Germany until 1977; Federal Republic of Germany Ambassador to the United States from 1979 until 1984
- Hormats, Robert**, Member, National Security Council Staff until 1977
- Huang Chen (Zhen)**, Chief of the People's Republic of China Liaison Office in the United States from March 1973 until November 1977
- Hunter, Robert**, Director of Middle East Affairs and Member, National Security Council Staff from 1977 until 1981
- Huntington, Samuel**, Member, National Security Council Staff and White House Coordinator of Security Planning from 1977 until 1978
- Hyland, William G.**, Member, National Security Council Staff from February 1977 until October 1977
- Ikle, Frederick C. (Fred)**, Director of the Arms Control and Disarmament Agency from 1973 until January 1977
- Is(s)raelyan, Viktor**, Soviet Representative to the Committee on Disarmament and the Chemical Weapons Negotiations
- Jackson, Henry M. (Scoop)**, Senator (D-Washington)
- Jamieson, Donald**, Foreign Minister of Canada from 1976 until May 4, 1979
- Javits, Jacob**, Senator (R-New York)
- Jay, Peter**, U.K. Ambassador to the United States from 1977 until 1979
- Jordan, Hamilton M.**, White House Chief of Staff from 1979 until 1980
- Keeny, Spurgeon**, Deputy Director of the U.S. Arms Control and Disarmament Agency from 1977 until 1981
- Kennedy, John F.**, President of the United States from January 20, 1961 until November 22, 1963
- Khlestov, Oleg**, Soviet Representative to the International Atomic Energy Agency from 1978 until 1988; Representative to Bilateral Working Group on Anti-Satellite Systems
- Kissinger, Henry A.**, President's Assistant for National Security Affairs until November 3, 1975; Secretary of State from September 21, 1973 until January 20, 1977
- Korniienko, Georgi M.**, Director, USA Department and member of the Collegium, Soviet Ministry of Foreign Affairs
- Kosygin, Alexei N.**, Chairman, Council of Ministers of the Soviet Union until 1980
- Krimer, William**, interpreter for the Department of State
- Lake, W. Anthony**, Director, Policy Planning Staff, Department of State from 1977 until 1981
- Lambsdorff, Otto Graf**, Minister of Economics for the Federal Republic of Germany from 1977 until 1982
- Lance, Thomas Bertram (Bert)**, Director of the Office of Management and Budget from January 1977 until September 1977
- Leonard, James**, U.S. Deputy Representative to the United Nations from 1977 until 1979
- López Portillo, José**, President of Mexico from December 1, 1976 until November 30, 1982
- Luns, Joseph**, Secretary-General, North Atlantic Treaty Organization from 1971 until 1984

- Mansfield, Michael J. (Mike)**, Senator (D–Montana); Senate Majority Leader until 1977; thereafter U.S. Ambassador to Japan
- Mathews, Jessica Tuchman**, Member, National Security Council Staff from 1977 until 1979
- McGiffert, David**, Assistant Secretary of Defense for International Security Affairs from 1977 until 1981
- McGovern, George**, Senator (D–South Dakota)
- McIntyre, James**, Director of the Office of Management and Budget from September 1977 until January 1981
- McMahon, John**, Deputy Director of Operations, Central Intelligence Agency, from 1978 until 1981
- Mendelevich, Lev**, Soviet Ambassador and Head of Delegation to Conventional Arms Transfers Talks
- Molander, Roger**, Member, National Security Council Staff from 1974 until 1981
- Mondale, Walter F.**, Vice President of the United States from January 21, 1977 until January 20, 1981
- Morokhov, Igor**, First Deputy Chairman of the USSR State Committee for Peaceful Utilization of Atomic Energy and Delegate to the Comprehensive Test Ban/Peaceful Nuclear Explosion Talks
- Mujezinovic, Dzevad**, Yugoslav Deputy Permanent Representative to the United Nations
- Mulley, Frederick**, U.K. Minister of State for Defence from 1976 until 1979
- Muskie, Edmund S.**, Secretary of State from May 8, 1980 until January 20, 1981
- Newhouse, John**, Assistant Director, Bureau of International Security Programs, Arms Control and Disarmament Agency from 1977 until 1979
- Nixon, Richard M.**, President of the United States from January 20, 1969 until August 9, 1974
- Nye, Joseph**, Deputy Under Secretary of State for Security Assistance, Science, and Technology from 1977 until 1979
- Odom, William E.**, Colonel, USA; Military Assistant to the Assistant to the President for National Security Affairs from 1977 until 1981
- Oplinger, Gerald**, Member, Office of Nuclear Policy and Operations, Bureau of Politico-Military Affairs, Department of State from 1977 until 1978; Member, National Security Council Staff from 1979 until 1981
- Owen, David**, Foreign Secretary of the United Kingdom from 1976 until May 1979
- Owen, Henry**, U.S. Ambassador-at-Large for Economic Summit Affairs from 1997 until 1981
- Palliser, Michael**, U.K. Permanent Under-Secretary of State and Head of the Diplomatic Service from 1975 until 1982
- Pastor, Robert**, Member, National Security Council Staff and National Security Advisor for Latin America and the Caribbean from 1977 until 1981
- Pell, Claiborne**, Senator (D–Rhode Island)
- Percy, Charles**, Senator (R–Illinois)
- Pérez, Carlos Andrés**, President of Venezuela from 1974 until 1979
- Petrosyants, Androkin**, Chairman of the Soviet State Committee on Atomic Energy and Head of the Soviet Delegation to the Comprehensive Test Ban Talks
- Pickering, Thomas**, U.S. Ambassador to Jordan from 1974 until 1978; Assistant Secretary of State for Oceans and Scientific and Environmental Affairs from 1978 until 1981
- Pinheiro, Joao Baptista**, Brazilian Ambassador to the United States
- Podgorny, Nikolay Viktorovich**, Chairman of the Presidium of the Supreme Soviet of the USSR

- Powell, Joseph L. (Jody)**, White House Press Secretary from January 1977 until January 1981
- Press, Frank**, Science Advisor and Director of the Office of Science and Technology Policy from 1977 until 1980
- Putnam, Robert**, Member, National Security Council Staff from 1977 until 1981
- Resor, Stanley**, Under Secretary of Defense for Policy and Head of the Mutual Balanced Force Reductions Delegation from 1977 until 1981
- Ridgway, Rozanne**, U.S. Ambassador to Finland from 1977 until 1980
- Roel, Santiago**, Secretary of Foreign Relations, Mexico from 1976 until 1979
- Rush, Kenneth W.**, U.S. Ambassador to France from November 21, 1974 until March 14, 1977
- Sarbanes, Paul**, Senator (D–Maryland)
- Sayre, Robert**, U.S. Ambassador to Brazil from 1979 until 1981
- Schechter, Jerry**, Member, National Security Council Staff
- Schlesinger, James R.**, Special Assistant to the President from January until September 1977; Secretary of Energy from October 1977 until July 1979
- Schmidt, Helmut**, Chancellor of the Federal Republic of Germany from 1974 until 1982
- Schroeder, Patricia (Pat)**, Member, U.S. House of Representatives (D–Colorado)
- Seignious, George M., II**, General, USA; At-Large Member of Strategic Arms Limitations Talks Delegation from 1978 until 1979; U.S. Ambassador and Director of the Arms Control and Disarmament Agency from March 1, 1979 until 1980
- Shulman, Marshall**, U.S. Ambassador and Special Advisor on Soviet Affairs to Secretary of State Vance from 1977 until 1980
- Silveira, Antônio Francisco Azeredo da**, Brazilian Minister of Foreign Affairs from 1974 until 1979
- Simonet, Henri**, Belgian Minister of Foreign Affairs from 1977 until 1980
- Slocombe, Walter B.**, Deputy Assistant Secretary of Defense for International Security Affairs from 1977 until 1979; Deputy Undersecretary of Defense for Policy, 1979 until January 1981
- Sloss, Leon**, Assistant Director of the Arms Control and Disarmament Agency from 1976 until 1978
- Smith, Gerard C. (Gerry)**, Special Presidential Assistant for Non-Proliferation Matters from 1977 until 1980
- Sparkman, John J.**, Senator (D–Alabama); chairman, Senate Foreign Relations Committee from 1975 until 1979
- Stennis, John C.**, Senator (D–Mississippi); chairman, Committee on Armed Services
- Stoessel, Walter J., Jr.**, U.S. Ambassador to the Federal Republic of Germany from 1976 until 1980
- Stone, Richard**, Senator (D–Florida)
- Sukhodrev, Viktor M.**, First Secretary, Soviet Ministry of Foreign Affairs and interpreter
- Tarnoff, Peter**, Executive Secretary of the Department of State and Special Assistant to the Secretary of State from 1977 until 1981
- Timerbaev, Roland**, Disarmament Chief of the Soviet Ministry of Foreign Affairs from 1975 until 1980
- Tindemans, Leo**, Prime Minister of Belgium from 1974 until 1978
- Todman, Terence**, Assistant Secretary of State for Inter-American Affairs from April 1977 until June 1978
- Toon, Malcom**, U.S. Ambassador to the Soviet Union from January 18, 1977 until 1979
- Trudeau, Pierre**, Prime Minister of Canada until June 4, 1979, and from March 3, 1980 until June 1984

**Turner, Stansfield M.**, Admiral, USN; Director of Central Intelligence from January 1977 until January 1981

**Twaddell, William**, Office of the Secretary of State

**Utgoff, Dr. Victor**, Member, National Security Council Staff from 1977 until 1981

**Uyl, Johannes den**, Prime Minister of the Netherlands from May 1973 until December 1977

**Van den Heuvel, William**, U.S. Ambassador to European Office of the United Nations in Geneva from 1977 until 1977; Deputy U.S. Ambassador to the United Nations from 1979 until January 1981

**Van der Stoel, Max**, Foreign Minister of the Netherlands from May 1973 until December 1977

**Vance, Cyrus R.**, Secretary of State from January 1977 until April 28, 1980

**Vavilov, Andrei**, official, USA Department, Soviet Ministry of Foreign Affairs

**Vest, George S.**, Assistant Secretary of State for European Affairs from 1977 until 1981

**Videla, Jorge Rafael**, President of Argentina from 1976 until 1981

**Von Staden, Berndt**, Federal Republic of Germany Ambassador to the United States from 1973 until 1979

**Vorontsov, Yuly**, Minister Counselor at the Soviet Embassy in Washington, DC

**Vorster, Johannes (John)**, Prime Minister of South Africa from 1966 until 1978; President from 1978 until 1979

**Waldheim, Kurt**, Secretary General of the United Nations

**Warnke, Paul**, Director of the Arms Control and Disarmament Agency from 1977 until February 1979

**Watson, Thomas J., Jr.**, U.S. Ambassador to the Soviet Union from October 25, 1979 until January 15, 1981

**Weiler, Lawrence**, Special Assistant for Public and Academic Liaison, Arms Control and Disarmament Agency, 1978; U.S. Ambassador and Coordinator for UN Special Session on Disarmament from 1977 until 1978

**Wolfowitz, Paul**, Staff Member, Arms Control and Disarmament Agency from 1972 until 1977; Deputy Assistant Secretary of Defense for Regional Programs from 1977 until 1980

**Yarmolinsky, Adam**, Counselor, Arms Control and Disarmament Agency from 1977 until 1980

**York, Herbert**, U.S. Ambassador and Representative to the Trilateral Comprehensive Test Ban Negotiations from 1979 until 1980

**Young, Andrew**, U.S. Ambassador to the United Nations from 1977 until 1979

# Arms Control and Nonproliferation

## Anti-Satellite (ASAT) Weapons and Talks

### 1. Memorandum From the Acting Director of the Arms Control and Disarmament Agency (Sloss) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>

Washington, February 1, 1977

#### SUBJECT

Anti-Satellite Related Arms Control Initiatives

NSDM 345<sup>2</sup> essentially directs that the Director, ACDA, in coordination with the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence, identify and assess arms control initiatives intended to limit the development or deployment of a capability to attack satellites, to reduce the likelihood that satellites will be attacked, and to define actions that would constitute "interference" with satellites.

In view of its importance, but mindful of the possibility that the timing and scope of the arms control study and of related anti-satellite efforts may be changed, I am beginning the effort directed by the NSDM. I have asked that points of contact be designated by State, Defense and CIA.

**Leon Sloss**  
*Acting*

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Defense/Security, Utgoff, Box 156, Anti-Satellite Policy: 1-6/77. Secret.

<sup>2</sup> The Ford administration issued National Security Decision Memorandum 345, "U.S. Anti-Satellite Capabilities," on January 18, 1977. It is printed in *Foreign Relations*, 1969-1976, vol. XXXV, National Security Policy, 1973-1976, Document 134.



## 2. Editorial Note

While the administration of President Jimmy Carter pondered its options for anti-satellite capabilities, it also tried to establish a “coherent” space policy. The President’s Assistant for National Security Affairs, Zbigniew Brzezinski, “concluded that this issue is of a high priority nature warranting a timely, comprehensive review and statement of national policy.” In an undated draft Presidential Review Memorandum, he tasked the various departments involved in national security decision-making to weigh in on the administration’s strategy. In particular, he asked that the departments examine “the relative importance of the use of space for the different yet interrelated goals of our civil, military, and intelligence programs.” (Memorandum from Brzezinski to the Secretaries of State, Defense, Interior, Agriculture, Commerce, the Directors of the Arms Control and Disarmament Agency, Central Intelligence, the Office of Science and Technology Policy, and the Administrator of the National Aeronautics and Space Administration, March 5, 1977, and draft Presidential Review Memorandum; Library of Congress, Manuscript Division, Harold Brown Papers, Box 22, 1977 Missiles and Space Policy)

On March 14, 1977, Director of Central Intelligence Stansfield Turner urged Brzezinski to create a Policy Review Committee devoted to space policy, which would be chaired by Secretary of Defense Harold Brown, and argued that “No policy initiative likely to have major effects, e.g. ASAT negotiations, should be permitted until those effects have been carefully assessed.” (Memorandum from Turner to Brzezinski, March 14; Carter Library, National Security Council, Institutional Files, Box 41, Folder 3, PRM–23 [3])

Paul Warnke, the Director of the Arms Control and Disarmament Agency, concurred with Turner, and noted that “of particular concern to the arms control effort is that the policy options and recommendations delineate clearly what the impact of possible US actions might be on maintaining the free use of space and what effect changes in the operation of US satellite programs for military, intelligence *and* civil purposes might have on our verification capabilities.” (Memorandum from Warnke to Brzezinski; Carter Library, National Security Council, Institutional Files, Box 41, Folder 3, PRM–23 [3])

Carter issued Presidential Review Memorandum/NSC 23, “A Coherent National Space Policy” on March 28, which included the determination of “the appropriate degree of system survivability, defensive, and offensive capabilities in space, and arms limitations initiatives.” The memorandum is scheduled for publication in *Foreign Relations*, 1977–1980, vol. XXV, Global Issues; United Nations Issues. (Ibid.)

### 3. Memorandum of Conversation<sup>1</sup>

Moscow, March 30, 1977, 11:15 a.m.–2:15 p.m.

#### SUBJECT

Berlin, Cyprus, Arms Control, CSCE, Bilateral Matters

#### PARTICIPANTS

##### UNITED STATES

Secretary Cyrus R. Vance  
Ambassador Malcolm Toon  
Mr. Paul Warnke  
Assistant Secretary  
Arthur Hartman  
Mr. William Hyland  
Deputy Assistant Secretary  
Slocombe  
Mr. William D. Krimer,  
Interpreter

##### USSR

Foreign Minister A.A. Gromyko  
Deputy Chairman of the Council  
of Ministers L.V. Smirnov  
Deputy Foreign Minister  
Georgiy Korniyenko  
Ambassador A.F. Dobrynin  
Mr. O. Sokolov  
Mr. V.M. Sukhrodrev, Interpreter

[Omitted here is discussion unrelated to anti-satellite capabilities.]

#### ANTI-SATELLITE CAPABILITIES

*The Secretary* said that in this connection<sup>2</sup> he wanted to raise the issue of placing limits on the anti-satellite capabilities of both sides. We had noted that such capabilities were in the process of being developed. We firmly believed that an attempt should be made to stabilize the strategic situation by discussing such capabilities, and were prepared to enter into discussions with the Soviet Union concerning their limitation. In the interim, he would suggest that it would be useful to exercise restraint in testing anti-satellite systems.

*Gromyko* said he could not say that no problem existed in this area. He would be prepared to examine any proposal the United States could submit.

*The Secretary* thought that was good, because he believed it important that we do this.

[Omitted here is discussion unrelated to Anti-Satellite Capabilities.]

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Vance to Moscow, March 28–30, 1977. Secret; Nodis. The meeting took place at the Kremlin. Drafted by Krimer on April 2; reviewed by Hyland; and approved by Twaddell on April 12. The conversation is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 21.

<sup>2</sup> Gromyko and Vance had just briefly discussed a possible international treaty whereby states would promise not to be the first to use nuclear weapons.

**4. Memorandum From the Chairman of the Joint Chiefs of Staff (Brown) to Secretary of Defense Brown<sup>1</sup>**

Washington, July 29, 1977

SUBJECT

Antisatellites

1. (S) In response to your request on 12 April 1977,<sup>2</sup> the Joint Chiefs of Staff hereby provide their positions regarding acquisition of a US antisatellite (ASAT) capability and potential negotiations with the USSR concerning an ASAT ban.

2. (TS) The Joint Chiefs of Staff believe that an urgent requirement exists for the United States to attain an ASAT capability. This capability is needed to deny the USSR significant military advantages in the event of conflict and to provide a credible deterrent against USSR interference with US space systems during crises.

3. (TS) Soviet space systems provide major military benefits which, together with projected future space systems, will have an increasingly larger role in strategic and tactical conflict for real time reconnaissance, command and control, navigation, and meteorological support. The most immediate threat against US Forces is the use of ELINT and radar ocean reconnaissance satellite systems capable of locating ships. This real time enhanced capability seriously challenges the survivability of the US surface fleet.

4. (TS) The USSR is well aware that the United States is increasingly dependent on space systems for intelligence collection, warning of missile launch, communications, navigation, and meteorological support. Current ASAT capabilities favor the USSR; not only can the USSR eliminate an important element of the US force structure which supports US strategy, but it can do so without suffering similar consequences. Currently, the United States has no ASAT capability. The Joint Chiefs of Staff conclude that it would be undesirable for the United States to remain operationally incapable of responding to or interfering with military-related USSR space systems, particularly those which constitute a direct threat to US Forces.

5. (TS) The Joint Chiefs of Staff further believe that the United States should not participate in a ban on research, development, testing, and deployment of various ASAT systems. Of principal con-

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 22, Anti-Satellite Program. Top Secret.

<sup>2</sup> Not found.

cern is the lack of adequate verification methods to provide assurance that the USSR does not retain or increase an ASAT capability. Because of the USSR's present lead in proven engineering and in operational experience, it could quickly gain superiority in space should it choose to abrogate a total ASAT ban. Since the United States does not have an ASAT capability, any ban of a lesser degree which allowed present Soviet ASAT systems to exist but which prohibited development of new systems would legitimize and perpetuate the present imbalance.

6. (TS) The Joint Chiefs of Staff consider the medium of space to be of utmost importance to the United States. They request you support their views concerning the acquisition and deployment of an ASAT capability as well as their related views on potential negotiations with the USSR concerning an ASAT ban.

For the Joint Chiefs of Staff:

**George S. Brown**

*Chairman Joint Chiefs of Staff*

**5. Summary of Significant Discussion and Conclusions of a Policy Review Committee Meeting<sup>1</sup>**

Washington, August 4, 1977, 3:45–5:45 p.m.

Subject:

PRM/NSC–23, Coherent Space Policy

Participants:

*State:*  
Warren Christopher  
Michael Michaud

*Defense:*  
Harold Brown  
Charles Duncan  
Hans Mark  
Robert A. Greenberg  
Walter Slocombe  
Lt. Gen. William Y. Smith (JCS)

*DCI:*  
John McMahon  
[name not declassified]

*NASA:*  
Robert Frosch  
Alan Lovelace

*OSTP:*  
Frank Press  
Arthur Morrissey

*ACDA:*  
Spurgeon Keeny  
James Timbie

*OMB:*  
W. Bowman Cutter  
E. Randy Jayne

*Interior:*  
Cecil D. Andrus

*Commerce:*  
David Johnson  
Richard Frank

*Agriculture:*  
Robert Bergland  
Harold L. Strickland

*NSC:*  
Zbigniew Brzezinski  
William Hyland  
Robert A. Rosenberg  
Benjamin Huberman

The PRC, chaired by Secretary Brown, met to review national space policy issues, identify areas of agreement and disagreement and make recommendations for decisions to the President.

Secretary Brown opened the meeting with a discussion of United States' policy on antisatellite (ASAT) activity and arms control (Issue Five),<sup>2</sup> focusing mainly on arms control initiatives. Secretary Brown proposed a ban only on peacetime use of antisatellite systems since the Soviets already have a capability. The U.S. does not. He added that verification of a more comprehensive ban would be extremely difficult, and that in wartime, arms control would not provide protection.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 41, Folder 3, PRM–23 [3]. Top Secret; Talent Keyhole; Comint. The meeting took place in the Old Executive Office Building.

<sup>2</sup> Presumably Brown is referring to a briefing memorandum on space policy issues which was not found.

Dr. Brzezinski noted that the President has committed to discussions with the Soviets,<sup>3</sup> stating that a comprehensive ban would serve our security interests, reinforce stability, and support our SALT efforts. He asked that we proceed rapidly to form a working group to examine the essential aspects of such negotiations. Dr. Brzezinski opined that just because the Soviets have something is no adequate reason for us to acquire an ASAT. He felt that a comprehensive ban would hold the Soviets at their present level and add some assurances that they would not proceed in other areas.

Mr. Keeny noted that a peacetime ban adds little to existing agreements. John McMahon stated [2 lines not declassified] General Smith recommended we not proceed with negotiations on limitations due to verification problems.

A formulation by Mr. Hyland would propose to the Soviets a moratorium on testing and explore with them what level agreement would be possible before explicitly deciding on an option. Secretary Brown agreed to provide a coordinated outline for the President covering the major approaches, disagreements and problems in this area in two weeks, based on a special working group effort. The U.S. ASAT question would be treated as well in this paper.

[Omitted here is discussion unrelated to anti-satellite capabilities.]

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<sup>3</sup> In a March 4 letter to Brezhnev, Carter wrote that he wanted to "reach an early agreement" on a number of issues, including an "agreement not to arm satellites nor to develop the ability to destroy or damage satellites." The letter is printed in full in *Foreign Relations, 1977-1980*, vol. VI, Soviet Union, Document 13.

**6. Issues Paper Prepared by the PRM–23 Interagency Group<sup>1</sup>**

Washington, August 9, 1977

ARMS CONTROL FOR ANTISATELLITE SYSTEMS ISSUES PAPER

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*ARMS CONTROL FOR ANTISATELLITE SYSTEMS*

*I. INTRODUCTION*

(S) The principal issue for decision is one of basic policy: assuming a U.S. initiative with the Soviet Union on anti-satellite (ASAT<sup>2</sup>) systems,

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 41, Folder 3, PRM–23 [3]. Top Secret.

<sup>2</sup> The term ASAT will here include any physical or electromagnetic attack on space systems (i.e., physical destruction, jamming, laser attack, or command capture. [1 line not declassified] [Footnote is in the original.]

what general approach should be taken in seeking limitations? Clearly the decision cannot be approached in isolation, but must be integrated with overall analysis of space policy. It would be premature to draw up detailed negotiating options at this stage, but it is important to set broad objectives before proceeding with preparations on an initial proposal. This paper reviews ASAT status and background, relates the ASAT issue to other policy issues, and describes four approaches for ASAT arms control. Given a decision on approach, it will be possible to develop an initial proposal to the Soviets, and to pose technical questions for more intensive study.

## II. BACKGROUND

### A. *Prior Statements*

(S) As described publicly, the President has suggested to the Soviets that each side “forego the opportunity to arm satellite bodies and . . . to destroy observation satellites.”<sup>3</sup> Further, Secretary Vance raised the issue of controlling ASAT systems during the March Moscow meeting with Minister Gromyko; Secretary Vance emphasized the need to maintain strategic stability, suggested the need for discussions on ASAT’s, and indicated that during the interim it would be useful if the sides exercised restraint in their testing of ASAT systems.<sup>4</sup> Minister Gromyko replied that he could not say that no problem existed in this area, and stated that the Soviets would examine any proposal the U.S. submitted on the subject. It was agreed to establish a bilateral Working Group on antisatellite limitations. The U.S. has agreed to make a substantive proposal on ASAT limitations to the Soviets. Following this, the Working Group would be convened. [2 lines not declassified]

### B. *Summary of the Issues*

(S) In overview, the ASAT issue reduces ultimately to a few key points. On the one hand,

—ASAT limitations might preclude a long-term arms competition characterized by action-reaction cycles, increased defense costs, peacetime tensions, and crisis instability; furthermore,

—limitations on Soviet capabilities to attack satellites would be desirable since the U.S. is becoming increasingly dependent on satellites for basic functions in peacetime, crisis, conventional war, and strategic war.

However, we must take into account:

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<sup>3</sup> Not found.

<sup>4</sup> See Document 3.



—the possible need, independent of Soviet ASAT capabilities, for a U.S. ASAT system to counter threatening Soviet satellites.

—the existence of a current Soviet orbital ASAT, noting that the U.S. has none.

—the difficult verification problems in a realm where incentives to cheat may be greater than under previous agreements such as SALT One.

(S) Since each side has only a small number of critical operational satellites (6–15), small numbers of ASAT's could have a decisive significance. This is in contrast with SALT and ABM issues where stability is not affected by small numbers of weapons.

### *C. The Baseline: Current Circumstances and Projections*

#### *1. U.S. and Soviet Dependence on Space*

(S) There is a tendency to think of space as “peaceful”, in part because some [*less than 1 line not declassified*] compliance with stabilizing treaties which would not otherwise be possible, warning satellites contribute to our strategic and space exploration, and international communications. Furthermore, there has never been a confrontation in space, treaties have given space a special status, and space has been used as a peaceful area where the U.S. and USSR can work together cooperatively.

(S) On the other hand, space systems are becoming increasingly important for battle management on both sides. Table One lists some of the applications which military [*less than 1 line not declassified*] satellites have now or could have within ten years.

*Table One (TS)*

#### *Examples of Military Use of Space Now or in 1980's*

##### *Tactical Operations*

- real-time surveillance with readout to battlefield commanders<sup>5</sup>
- all-weather broad ocean surveillance of surface combatant; and convoys providing real-time targeting data to submarines, surface ships and aircraft<sup>6</sup>
- [*1 line not declassified*]
- antisubmarine warfare (e.g., relay reports from sonobuoys)
- real-time weather data<sup>7</sup>

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<sup>5</sup> Operational now or in the near future—U.S. [Footnote is in the original.]

<sup>6</sup> Operational now or in the near future—U.S. [Footnote is in the original.] [*Footnote in the original not declassified.*]

<sup>7</sup> Ibid.

- responsive world-wide command and control capability<sup>8</sup>
- battlefield surveillance

#### *Strategic Operations*

- targeting data<sup>9</sup>
- early warning of attack by SLBM's and ICBM's<sup>10</sup>
- delivery of the Emergency Action Message to nuclear capable forces<sup>11</sup>
- precise navigation for strategic weapons delivery systems<sup>12</sup>
- post-attack damage assessment

(S) The entries in Table One are realistic rather than speculative plans. It follows that satellites may, in the future, have a significant effect on warfare—they may even determine the outcome of certain wars, especially wars short of a full nuclear exchange.

#### *Relative Dependence and Vulnerability*

(TS) The U.S. is likely to remain more dependent on space systems than the Soviets in several important functional areas. However, the U.S. and USSR have differing needs and are dependent on space in correspondingly different ways. The U.S. space program tends to have a small number of expensive, long-lived and sophisticated multipurpose satellites. As space systems have been integrated into military operations, the U.S. has changed its operations, plans, and uses of terrestrial forces. Space is now an integral part of U.S. military, tactical, and strategic planning. The Soviets tend to have larger numbers of simpler systems and have launched additional satellites during crises (e.g., prior to the invasion of Czechoslovakia and during the 1973 Mid-East war). The Soviets may be emphasizing tactical use of satellites [*less than 1 line not declassified*] A given U.S. satellite will often represent a higher value target than a given Soviet satellite. However, some Soviet satellites are very valuable and unique [*2½ lines not declassified*]

#### *2. Current and Projected ASAT Systems*

(S) The U.S. currently has no operational ASAT system, but did have a single-pad system deployed at Johnston Island from 1964 until 1975. The system employed Thor boosters and a nuclear warhead, and operated in a direct-ascent mode against low-altitude targets only. The Johnston Island system was initially a response to Soviet threats about

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Operational now or in the near future—U.S. [Footnote is in the original.]

<sup>12</sup> Ibid.

orbital weapons of mass destruction (Orbital Bombardment Systems). The system was deactivated because of fiscal pressures and because a low-altitude nuclear burst would probably damage U.S. satellites large distances away from the burst as well as the targeted Soviet satellite.

(TS) By contrast with the U.S., the Soviets have an operational orbital ASAT capability. [1 line not declassified]

*Table Two (TS)*

[1 line not declassified]

<i>System</i>	<i>Comments &amp; Description</i>	<i>Capability</i>
1. [1 chart item not declassified]		
2. Galosh Interceptor	—nuclear (with potential for nonnuclear variant)	—[less than 1 line not declassified]
	—direct ascent	—[less than 1 line not declassified]
	—has ASAT capability, [less than 1 line not declassified]	—is operational as an ABM
3. [1 chart item not declassified]		
4. [1 chart item not declassified]		

*U.S. Activities are:*

(S) The U.S. has not consummated any ASAT deployment plans. The U.S. is developing a miniature homing vehicle (MHV) which destroys its target by high-velocity impact. This system is planned to be tested against low altitude target by 1981. The MHV could be air-launched against satellites below 2000 km. If the MHV were used on Minuteman or equivalent space launchers, it could have high-altitude capability.

(TS) [1 paragraph (5 lines) not declassified]

*Other U.S. [less than 1 line not declassified] Possibilities are:*

Ground-Based Lasers—[less than 1 line not declassified] possible for U.S. by 1981 (there is no dedicated U.S. laser ASAT program at this time).

Space-Based Lasers—possible for U.S. by mid-1980's; ARPA is doing subsystem technology. [3 lines not declassified]

High-Altitude Interceptors—[1 line not declassified] The U.S. ASAT interceptor currently under development can grow to a high altitude capability.

[less than 1 line not declassified]

(TS) [1 paragraph (18 lines) not declassified]<sup>13</sup>

### 3. Current Treaty Limits Upon ASAT Use

(U) A number of agreements currently limit ASAT activities to some degree during peacetime.

(U) The International Telecommunications Convention prohibits harmful interference with radio services or communications.

(U) The 1967 Outer Space Treaty<sup>14</sup> bans placing nuclear weapons or any other kinds of weapons of mass destruction in orbit and establishes satellites as under the jurisdiction of states which register them with the UN. This treaty further requires international consultations before proceeding with any activity which would cause potentially harmful interference with the activities of other parties in the peaceful use of outer space.

(U) The Limited Test Ban Treaty prohibits detonating a nuclear weapon in space.

(U) The 1971 "Measures Agreement to Reduce the Outbreak of Nuclear War" requires the U.S. and USSR to notify each other in the event of interference with strategic warning systems or their related communication systems.

(U) The 1972 ABM Treaty and the Interim SALT Agreement ban interference with National Technical Means (NTM) of Verification, operated in accordance with international law.

## III. GENERAL CONCERNS AND ISSUES

### A. The Threat of an ASAT Arms Competition

(TS) A number of recent events have raised public concerns about a possible arms competition in space, e.g., [2 lines not declassified] exaggerated statements in the U.S. press about lasers and charged particle beams, and misinformed leaks to the press about "laser blinding" of U.S. satellites.

(TS) Concern about Soviet resumption of orbital ASAT tests [less than 1 line not declassified] led to two NSC directives. Last year, NSDM 333 directed a major review of satellite vulnerability and survivability. Also, NSDM 345 (signed January 18, 1977) directed the DoD to build an ASAT system on an expedited basis to selectively nullify certain mili-

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<sup>13</sup> [2 footnotes in the original not declassified]

<sup>14</sup> The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies was signed at Washington, London, and Moscow, January 27, 1967, and entered into force October 10, 1967.

tarily important Soviet space systems. Both NSDM 333<sup>15</sup> and 345<sup>16</sup> are currently in abeyance pending PRM–23 review.

(TS) The U.S. has not yet made a decision on deploying an ASAT, and the pace of related R&D has not been accelerated. There is no deployment program to put a U.S. laser weapon into space. The U.S. has not begun approved implementation of the survivability measures recommended in response to NSDM 333. [11 lines not declassified] The competition could be self-limiting on the U.S. side because of fiscal constraints. However, an ASAT competition could lead to an expensive long-term series of action-reaction events in which each side would attempt to maintain the survivability of his own systems and to develop ASAT systems with better capabilities for attack against the adversary's satellites. In addition to their value as ASAT systems, lasers in space could be provocative because of concerns that they were stepping stones to a space-based laser ABM system. There are major differences between systems for ASAT's and those for ABM's; nonetheless, the situation would be a source of concern.

(S) Improvements and proliferation of ASAT's could be disadvantageous to the U.S. military since we may remain more dependent on space than the Soviets, and we may be in a better position to exploit space because of our superior technological space capabilities. An active Soviet ASAT program could raise doubts about the survivability of proposed U.S. satellite systems, and prevent us from reaping the benefits of our technological advantages.

#### B. Need for a U.S. ASAT

(TS) There are important scenarios in which the absence of U.S. ASAT capabilities could leave the U.S. at a net disadvantage; for example, keeping the sea lanes of communication open during U.S./Soviet conflicts. Further, the U.S. could probably build more effective ASAT's and more survivable satellites than could the Soviets, which given the U.S. determination to do so, they could function to the disadvantage of the Soviets.

(TS) [6½ lines not declassified] These satellites are uniquely valuable over the broad ocean areas where the Soviets' terrestrial resources are limited or subject to attack. In addition, other Soviet space threats may affect U.S. force operations, e.g., Soviet photo reconnaissance of U.S.

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<sup>15</sup> The Ford Administration issued National Security Decision Memorandum 333, "Enhanced Survivability of Critical U.S. Military and Intelligence Space Systems," on July 7, 1976. It is printed in *Foreign Relations*, 1969–1976, vol. XXXV, National Security Policy, 1973–1976, Document 91.

<sup>16</sup> See footnote 2, Document 1.

massing forces, Soviet intelligence message transmissions, Soviet weather data over U.S. deployment routes, and Soviet communications.

(TS) In a December 1976 response<sup>17</sup> to the ad hoc NSC Panel report that led to NSDM 345, the Secretary of Defense stated that it is [3 lines not declassified] He further suggested that it was not appropriate to initiate an immediate program to develop and deploy an ASAT interceptor using the then state-of-the-art techniques rather than use developing technology. At this time a U.S. direct ascent nonnuclear interceptor development and test program has been approved. Deployment planning is underway, but deployment has not been approved.

### C. Verification

Soviet compliance with an ASAT treaty cannot be assumed, and the net assessment must account for the possibility of Soviet cheating.

#### 1. General

(TS) [2 paragraphs (10 lines) not declassified]

—The Soviets have existing ASAT capabilities [4 lines not declassified] the ABM/ASAT role of Galosh, [2 lines not declassified]

—A relatively small level of successful cheating, e.g., a handful of ASAT's and EW sites, could have a high payoff.

Although the U.S. would abide by the limitations, we could not have confidence that the Soviets would do likewise if the agreement were not verifiable.

(TS) On the other hand, if ASAT testing were banned [8 lines not declassified]

#### 2. Particular U.S. Verification Concerns

(TS) a. [1 paragraph (5 lines) not declassified]

(TS) b. [1 paragraph (13 lines) not declassified]

(TS) [2½ lines not declassified] Over time the Soviets might lose system confidence without such testing. The Department of Defense believes that confidence would not be lost, e.g., the U.S. has retained confidence in the Titan II ICBM force without launches over many years. The Soviets could conduct crew training by launching satellites. For example, the U.S. system at Johnston Island was maintained operational for eight years after the last ASAT test by allowing the crew to launch weather satellites from Vandenberg Air Force Base.

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<sup>17</sup> See *Foreign Relations, 1969–1976*, vol. XXXV, National Security Policy, 1973–1976, Document 123.

(TS) [5 lines not declassified] Cooperative measures such as on-site inspection and other collateral constraints might reduce ambiguities. [3 lines not declassified]

(TS) *Galosh*. Presumably, the Soviets would be permitted under an ASAT treaty to retain the Galosh interceptors of their ABM systems. This ABM has nuclear ASAT capability against low-altitude satellites and could have a secondary ASAT mission. However, its use as such, if not very precisely planned, could damage their own satellites as well as the target satellite.

(TS) [1 paragraph (9 lines) not declassified]

### 3. *Particular Soviet Concerns*

The Soviets may be concerned that the U.S. could test and deploy ground-based ASAT systems covertly. They may not believe that the former U.S. ASAT system cannot now be launched from Vandenberg or Johnston Island. They may have the same concerns as the U.S. about the inherent capabilities of both military and civilian ground-, ship-, or air-based lasers that exist or might be developed for other purposes. The Soviets may also have parallel concerns to ours about the use of radar equipment for EW. They have already evidenced concern about the space shuttle and may believe it could be used for satellite inspection, capture, and interference.

### 4. *Breakout*

(S) Even if the Soviets complied with terms of an ASAT agreement, we would have to be concerned about breakout, including breakout simultaneous with ASAT attack. Since the lead time for U.S. ASAT and satellite programs is long, U.S. R&D hedges would still require 2 to 4 more years to achieve compensating operational capabilities.

### D. *Other Considerations*

(S) The following are some other considerations which could affect policy judgments regarding ASAT arms control.

—[1 line not declassified]

—[2½ lines not declassified]

—[1½ lines not declassified]

—[1 line not declassified]

—[1 line not declassified]

## IV. *RELATIONSHIP OF ASATS TO OTHER SPACE POLICY ISSUES*

### A. *Survivability*

(TS) The survivability issue is being considered separately in the response to PRM-23. Some conclusions are:

—It would not be prudent to forego implementation of such survivability measures as were recommended in response to NSDM 333 because of a belief that the satellites will be protected by treaties. The measures recommended in NSDM 333 would primarily preclude “cheap shots” based on current and near-term threats and current U.S. vulnerabilities; most of the threats could still exist covertly under a ban.

—[5 lines not declassified]

—[6 lines not declassified]

—[4 lines not declassified]

—ASAT arms control agreements could reduce or delay advanced threats.

### *B. Free Use of Space*

(U) Since incentives to build ASAT’s are directly related to the nature of satellites they would destroy, the Soviets may raise the possibility of limiting satellite functions in response to our ASAT proposal. Some concessions such as an agreement not to use the space shuttle as a weapons carrier could overcome open Soviet concerns without major impact on current U.S. plans. However, in considering any concessions we should examine the effect it would have on a U.S. policy that promotes freedom of use of space for peaceful (non-aggressive) purposes. Any limits, for example, to ban radars in space, navigation systems like the NAVSTAR Global Positioning System or reconnaissance satellites which appear to concern the Soviets, would represent a radical departure from U.S. policy. Such limits could have a major impact on U.S. space programs and would require major redirections of efforts to compensate for loss of space capabilities. We must take into account the potentially negative limitations that would be placed on U.S. satellite reconnaissance programs if certain restrictive language were included in an ASAT agreement (i.e., declaration of satellite purpose, prelaunch on-site inspection, etc.). Limitations on satellite functions, or on the space shuttle, should not be considered without in-depth analyses.

## *V. APPROACHES TO ASAT ARMS CONTROL*

(S) While the U.S. and USSR will hold working group discussions on how we might forego the capability to destroy satellite observation vehicles, the Soviets have not yet expressed their views on the subject. The U.S. has not yet analyzed fully the implications of all of the various possible ASAT limitations, even though the U.S. has agreed to submit a proposal to the Soviets. Thus, it would be unrealistic for the U.S. to choose among finely-tuned options at this time. Instead, the issue for decision now is the choice of a general approach for initial discussions.

(S) Arms control is one component in the overall U.S. policy toward military and intelligence space activities. Other elements include our survivability measures, our possible U.S. ASAT capabilities, and the military utility of space to U.S. strategic and tactical forces. The general policy problem is to weigh priorities and consider what ap-



proaches best serve the national interest. Arms control is not a substitute for survivability measures, although it could affect long-term requirements. Even a comprehensive agreement will not affect ground-station vulnerabilities, nor prohibit passive deception measures. In addition, it probably would not require the Soviets to dismantle their ABM systems with ASAT capability. [2 lines not declassified] With these considerations in mind, three approaches to ASAT arms control have been defined and compared with the baseline case of no agreement. A summary comparison of the approaches is provided in Table Three.

(S) The three approaches would include [6 lines not declassified]

*A. Approach One: No Agreement*

(S) The Soviets may not be willing to agree to any substantive and equitable ASAT limitations. They may feel that the U.S. is merely attempting to impede Soviet activities in a realm where the Soviets currently have advantages. They could respond to U.S. proposals with counter-proposals which would not be acceptable to us.

(S) In the absence of an ASAT agreement, it would still be possible for the U.S. to pursue some ASAT arms control initiatives. For example, we could propose under the “Measures Agreement” that the sides show restraint in ASAT testing, especially during crises. [2½ lines not declassified] we could reaffirm the principal of noninterference with National Technical Means by emphasizing that SALT obligation publically and privately. DoD believes that the no agreement case should not include these measures.

*Pros and Cons for the No-Agreement Approach*

*Pros*

—U.S. would be free to develop ASATs to counter the Soviets threat.

—If ASAT capabilities cannot be controlled in a symmetric [less than 1 line not declassified] way, it may be preferable to pursue other objectives [1 line not declassified] without creating a new negotiating forum.

—Agreeing to a cosmetic agreement could impede later attempts to seek substantive controls.

*Cons*

—An ASAT arms competition could develop, or the U.S. might not develop its ASAT; then the asymmetries between the U.S. and USSR could widen.

—[4 lines not declassified]

—[8 lines not declassified]

—Would not reinforce the President’s public position.

—Maintaining satellite survivability against advanced threats would be more difficult.

—Development of U.S. ASAT capabilities may provide a bargaining chip for future negotiations.

—Extensive development of advanced ASATs (e.g., lasers in space) could threaten the long term viability of the ABM treaty.

B. *Approach Two: [less than 1 line not declassified]*

(S) Approach Two would not attempt to limit the capabilities of ASAT systems; *[1½ lines not declassified]*

—*[2½ lines not declassified]*

—*[2 lines not declassified]*

—*[5 lines not declassified]*

(S) We would not designate some satellites as NTMs or as warning systems, since that might decrease the protection afforded to those satellites not so designated. However, we could acknowledge that both sides know that certain satellites of the other side are more relevant to stability than others. In general, we would try to maintain a high threshold for use of ASATs against *any* satellites.

(S) We could also explore the possibility of developing a wartime sanctuary for hotline communications.

(S) The format of this approach would be more analogous to the Outer Space Treaty and the Measures Agreement than to the ABM Treaty. There would be no limitations on Soviet capabilities, and the U.S. would have to develop its satellite, ASAT, and survivability policies with due regard for the realities of wartime where treaties need not apply.

#### *Pros and Cons for Approach Two*

##### *Pros*

—May be negotiable since Soviets have ASATs, the U.S. does not and the Soviets may refuse to accept limitations on existing capabilities.

—Could pave the way for future negotiations.

—*[3 lines not declassified]*

—Reduces the likelihood of peacetime misunderstandings.

—*[3 lines not declassified]*

##### *Cons*

—Lacks advantages of Approaches Three and Four.

—*[4 lines not declassified]*

—Would permit an arms competition.

—Maintaining satellite survivability against advanced threats would be more difficult.

*C. Approach Three: Selected Limits to Control the Scope of ASAT Activity*

(S) This approach would attempt to strike a balance between conflicting philosophies. It would prohibit types of systems which do not yet exist, such as high-altitude interceptors, laser weapons in space, and advanced concepts such as orbital interceptors with multiple warheads. However, it would not attempt to turn back the clock; low altitude interceptors and ground-based lasers would be permitted; it would permit explicitly the existing low-altitude Soviet ASAT systems and low altitude systems for the U.S.

(S) Approach Three would also include “rules of the road” and a [*less than 1 line not declassified*] Fundamentally, however, it would be an attempt to limit the scope of ASAT activities. It might include qualitative or numerical limits on low-altitude ASAT systems as well as the ban on high-altitude interceptors and exotic weapons in space.

*Pros and Cons for Approach Three**Pros*

—Would place a cap on the competition and preclude some of the most worrisome possibilities (i.e., high altitude interceptors, lasers in space).

—Would permit the U.S. to attack low altitude Soviet satellites [*1½ lines not declassified*]

—Would avoid some of the [*less than 1 line not declassified*] most risky aspects of the comprehensive proposals by permitting some ASATs.

—Would decrease the likelihood of physical attacks on U.S. satellites most critical to crisis stability (e.g., warning and communication satellites in high-altitude orbits).

—May be more negotiable than Approach 4 since it would not

*Cons*

—Could lower the threshold for use of low altitude ASATs by not explicitly prohibiting them.

—[*4 lines not declassified*]

—It would allow arms competition in low altitude ASAT systems.

—Could lead to complacency, failure to institute survivability means and increased vulnerability.

—May not be negotiable since most high-altitude satellites are American.

—Creating a partial sanctuary for high altitude systems may encourage the redesign and/or replacement of some low altitude systems to become high altitude systems.

require the Soviets to give up this existing capability.

—Reduces likelihood of peacetime misunderstandings.

#### *D. Approach Four: Relatively Comprehensive ASAT Arms Limitations*

(S) Approach Four would attempt to preclude a significant arms competition in ASAT systems. It would prohibit testing or deployment of any ASAT for physical attack upon satellites, e.g., direct ascent interceptors and any ASAT laser weapons. [1 line not declassified] It would include rules of the road and a ban on [less than 1 line not declassified] with satellites. Testing of ASATs would be prohibited.

(TS) The Agreement would not include the Galosh ABM system (although “tests in ASAT mode” would be prohibited), and electronic warfare capability such as jamming and interference (although [less than 1 line not declassified] would be prohibited). [4½ lines not declassified]

(S) This approach would seek strict limits on ASAT capabilities, tight definitions, collateral constraints, and a mechanism for cooperation such as the Standing Consultative Commission. We would continue ASAT R&D, and develop hedges against Soviet noncompliance or breakout. The treaty would be subject to review and amendment at five-year intervals.

(S) Some believe that a comprehensive approach (Approach Four-A) should also include a ban on [4 lines not declassified] Therefore Approach Four-A [less than 1 line not declassified]

#### *Pros and Cons for Approach Four*

##### *Pros*

—Closes off a potential realm of arms competition.

—May improve satellite survivability against long-term threats by making advanced threats less likely.

—Assuming compliance, probably works to U.S. advantage in the use of space since the U.S. will be more dependent on space than the Soviets.

##### *Cons*

—Precludes a U.S. ASAT interceptor for defense.

—[3½ lines not declassified]

—The Soviets would retain the advantage of the nuclear-armed Galosh [1½ lines not declassified]

—[3 lines not declassified]

—Satellites would have sanctuary even when they

—Reduces likelihood of peacetime misunderstandings and of attacks on satellites during peacetime.

—[2 lines not declassified] more difficult under Approach Four than Approach Three.

—[4 lines not declassified]<sup>18</sup>

—Enhances the long term viability of the ABM Treaty.

perform same missions as ground and airborne support systems (surveillance, reconnaissance, etc.).

—There are verification risks because some forms of cheating would be relatively easy and incentives to cheat could be high; assumption that both sides would be denied ASATs could be naive.

—Could produce complacency, and impede implementation of survivability measures.

—May be non-negotiable since Soviets have ASATs and we do not.

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<sup>18</sup> [footnote in the original not declassified]

**7. Memorandum From Secretary of Defense Brown to  
President Carter<sup>1</sup>**

Washington, August 19, 1977

SUBJECT

Arms Control for Antisatellite Systems

(S) At the August 4, 1977 meeting of the Policy Review Committee on PRM-23,<sup>2</sup> it was decided that a separate paper on antisatellite activities and arms control should be forwarded for your review and decision. That Decision Paper is enclosed along with an Issues Paper<sup>3</sup> which contains a more detailed discussion of the issue.

(S) Because of the importance of this issue and the widely differing views on the approach we should take in our proposal to the Soviet Union, you may wish further discussion of this subject at the NSC level prior to your decision.

**Harold Brown**

**Attachment**

**Decision Paper<sup>4</sup>**

Washington, undated

*ASAT ARMS CONTROL<sup>5</sup>*

*THE ISSUE*

What should be the U.S. policy on antisatellite (ASAT) activity and ASAT arms control?

*BACKGROUND*

The U.S. has offered to propose ASAT arms limitations to the Soviet Union. In developing approaches for the discussions, a fundamental consideration is the need for a U.S. ASAT capability.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 41, Folder 3, PRM-23 [3]. Top Secret; Talent Keyhole; Control System Only.

<sup>2</sup> See Document 5.

<sup>3</sup> Attached but not printed.

<sup>4</sup> Top Secret; Talent Keyhole; Comint.

<sup>5</sup> The term ASAT includes any physical or [*less than one line not declassified*] on space systems. [Footnote is in the original.]

*MAJOR FACTORS BEARING ON THE PROBLEM*

Both the U.S. and the USSR have and are further developing satellite capabilities in space for a range of activities spanning peacetime, crisis and wartime. These include treaty verification, national and military intelligence, weather, navigation, communications and attack warning. Both sides are increasing the use of satellites as sources of tactical intelligence to provide near-real-time photography, electronic ferreting, and radar targeting of military assets.

The Soviet Union currently has an advantage over the U.S. in anti-satellite capabilities. They have an orbital interceptor which has been judged to be operational [*8½ lines not declassified*]

The U.S. has no ASAT capability. A nuclear interceptor system was operational until 1975 at Johnston Island. Currently, the U.S. is developing a new interceptor which is planned for testing by 1981. [*3½ lines not declassified*]

*SUMMARY OF THE ISSUES*

On the one hand:

- Limitations on Soviet capabilities to attack U.S. satellites would be desirable since the U.S. is becoming increasingly dependent on its space assets, and relies on a smaller number of more sophisticated satellites than the USSR.
- There has never been a confrontation in space and treaties have tended to give space a special status as a peaceful arena where both sides can work cooperatively.
- ASAT limitations might preclude a potential arms race in space with its attendant action-reaction cycles, public concerns, increased defense costs and potential instabilities.

On the other hand:

- The U.S. must assess the need, independent of Soviet ASAT capabilities, for a U.S. ASAT system to counter threatening Soviet satellites.
- There are difficult treaty verification problems in this area.
- Incentives to cheat may be greater than under previous agreements. Because each side has a small number (6–15) of critical satellites, small numbers of ASATs could be decisive. This is in contrast with current treaties limiting ICBMs and ABMs, where stability is not affected by small numbers of weapons.

*APPROACHES*

Under all of the approaches discussed below, U.S. ASAT research and development activities will continue, and be modified to con-

form with any agreements reached during negotiations. The four approaches are:

1. *No Agreement*: Do not seek an agreement limiting ASAT systems. This does not preclude initiatives to further limit the likelihood of peacetime interference. For example, the U.S. could propose under the existing Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War, to show restraint in ASAT testing during crises.

2. *Emphasis on Peacetime Problems*: Do not attempt to limit the capabilities of ASAT system but focus on peacetime problems and on establishment of thresholds for use. We would propose a peacetime sanctuary for all satellites.

3. *Selected Limits*: Seek bans on types of systems which do not yet exist, such as high-altitude interceptors and laser weapons in space, but permit each side to test and deploy low-altitude ASAT interceptors, electronic warfare, and ground-based laser ASAT systems.

4. *Relatively Comprehensive Agreement*: Seek a relatively comprehensive agreement which would ban all ASAT capabilities except electronic warfare. Electronic warfare is excluded because of verification difficulties. The ban would prohibit testing, deployment or use of any ASAT for physical attack on satellites. The current Soviet orbital interceptor would be dismantled.

—A variant (4A) would be a *fully comprehensive ban* on all forms of ASAT including electronic warfare.

#### AGENCY POSITIONS

[1 paragraph (4 lines) not declassified]

State and ACDA favor a comprehensive ban on ASAT systems in order to avoid cycles of action-reaction competition. Such an agreement would enhance the survivability of U.S. satellites, on which we increasingly depend for intelligence collection, verification, early warning, and communications. A ban on testing, deployment, and use of ASAT systems would contribute to stability by easing concerns about preemptive attack on critical satellites. The present Soviet interceptor is relatively unsophisticated; future Soviet ASAT systems would be much more difficult to counter. Measures short of a comprehensive approach would permit an expansion of Soviet ASAT capabilities, which would make maintaining the survivability of U.S. satellites more difficult. Verification would be difficult, but testing and in some cases construction of an ASAT system would be subject to observation. State and ACDA favor Approach 4.

In the OSD view, antisatellite negotiations should be directed toward a ban on peacetime interference. Such a ban would reinforce the principle of noninterference in peacetime and establish a threshold beyond which specific actions will be considered hostile. This approach



recognizes that we must assume the Soviet Union could retain its existing capability even in the presence of a comprehensive ban. Elimination of these capabilities could not be reliably verified and confidence in the system in the absence of testing could be quickly regained. This system would be effective against such critical low altitude systems as the current near-real-time imaging system. In such a situation it would not be prudent to assume an ASAT agreement would be a suitable substitute for survivability measures. Furthermore, U.S. counteractions in survivability and ASAT development could take several years. Therefore, the OSD feels the U.S. should develop an ASAT capability. Toward these ends, OSD favors Approach Two.

In the JCS view, a ban on ASAT activities would concede existing Soviet capabilities, since their elimination cannot be verified. Conversely, such a ban would deny the U.S. the capability to develop a counter to military-related USSR space systems, particularly those which may constitute a direct threat to U.S. forces. Arms Control agreements cannot be used as a substitute for survivability of U.S. space systems; to do so would be to invite denial of U.S. use of space systems for a critically long period during a war given the likelihood of unilateral treaty abrogation at the outset of conflict. An agreement to prevent testing of an orbital ASAT has two drawbacks. First, Soviet confidence in their current system would not be appreciably reduced. Second, the U.S. would be unable to overcome the current Soviet advantage. Therefore, the JCS believe the U.S. should develop an ASAT capability and further that the U.S. should not enter into any agreement that would ban ASAT research, development, testing, and deployment.

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## **8. Letter From the Special Advisor to the President for Science and Technology (Press) to Secretary of Defense Brown<sup>1</sup>**

Washington, September 8, 1977

Dear Harold:

Attached is a report prepared by the Office of Science and Technology Policy Space Advisory Group on the anti-satellite issue. Their

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 56, 471.96 (Aug–10 Nov) 1977. Secret. A stamped notation at the top of the page reads: “SEC DEF HAS SEEN.” In the upper right-hand corner, Brown wrote “9/10. AF should also get a copy. HB.”

recommendations are that the US acquire an electronic as well as a non-nuclear interference capability. In light of current discussions, you will likely find the report of interest. This group also has completed its review on space based radars that you requested.<sup>2</sup> I will forward this report to you separately.

Yours sincerely,

**Frank Press**<sup>3</sup>  
*Director*

### **Attachment**

#### **Memorandum From the Chair of the Advisory Group on Space Systems (Buchsbaum) to the Special Advisor to the President for Science and Technology (Press)**<sup>4</sup>

Washington, August 26, 1977

#### **SUBJECT**

US Anti-Satellite Capability

The growing Soviet use of satellites for military functions has heightened the need to revise US policy with respect to a US anti-satellite capability. The Group believes that the Soviets should not be allowed a one-sided sanctuary in space for critical space systems that directly support their military forces. [4 lines not declassified] These systems would be appropriate targets for attack under some conditions. The number and types of such space systems are expected to grow.

The Group believes it is undesirable for the US to remain incapable of interfering with Soviet militarily-related space-systems, particularly those space systems which would constitute a direct threat to Allied forces during a conflict. These satellites are limited in number and at low altitudes. [5½ lines not declassified]

[2½ lines not declassified] However, we believe that the most effective way to assure the survival of valuable US space assets in time of crisis is, first, to reduce through appropriate technical measures the electronic and even the physical vulnerability of US satellites and, second, to have substantial alternative mission capabilities for the con-

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<sup>2</sup> Not found.

<sup>3</sup> Press signed "Frank" above this typed signature.

<sup>4</sup> Secret. The date is handwritten.

duct of war. Approaches for achieving greater survivability were addressed in NSDM 333.<sup>5</sup> The Group believes that expeditious implementation of enhanced survivability measures for critical space assets should be given high priority.

There are two broad alternatives for an anti-satellite capability: (1) physical destruction or damage, and (2) electronic interference.

[4 lines not declassified] However, such a capability is likely to be perceived as more provocative than electronic interference for two reasons: (1) its effect is irreversible and unambiguous and (2) the political consequences of its use are likely to be more severe. Moreover, such a physical destruction system is likely to be more expensive than an electronic interference system.

Physical damage by radiation such as laser, microwave, or possibly particle radiation has characteristics somewhat intermediate between explosive kill and electronic interference. Its effects would not be reversible, but could be ambiguous and the political consequences less severe than in the case of explosive kill.

The Group recommends that first priority be given to developing an early capability for electronic interference. Different satellites have vulnerabilities to different electronic warfare techniques. The generic techniques which may in principle be employed include noise jamming, deception, command link capture, uplink jamming, delayed repeater jamming, and RF burnout of electronic components. Not all of these techniques can be employed effectively against all satellites. Some of these techniques would be realized most effectively with co-orbital jamming satellites, while others could be best achieved from ground-based jammers. Specifically, some types of radar, ELINT, and navigation satellites could be negated by another satellite nearby which emits a noise barrage or rebroadcasts their signals with small random time delays.

Since the operation of many satellite systems is dependent on the frequent receipt of commands from ground stations, command link capture or jamming represents a particular vulnerability of satellite systems. The possibility of interfering with this link depends strongly on the altitude of the satellite. The command link of a low altitude satellite, such as a photo-reconnaissance satellite, is normally only turned on to receive when the satellite is over the Soviet ground station and is out of view of possible jamming sites. As a result, it is more difficult to interfere with low altitude satellites than it is to interfere with satellites in synchronous operational orbit which are always in view.

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<sup>5</sup> See footnote 15, Document 6.

The Group cautions, however, that the operational problems associated with electronic interference must be carefully controlled. US testing of such a capability can compromise its effectiveness and would be provocative if exercised against Soviet systems.

*[1 paragraph (11 lines) not declassified]*

In general the nature of the US development program should be influenced by potential arms control agreements as well as military requirement. However, in this case it may not be easy to negotiate a useful and verifiable agreement limiting anti-satellite activities. It is not clear what kind of agreement would be in the US interests. Given the nature of present assets, it would seem that an agreement that would limit both the US and the Soviet Union to low-altitude ASAT capability would be desirable. Such an agreement may be difficult to reach at present. In contrast to the Soviets, we have no low altitude intercept capability while their high altitude space assets are more limited than ours. In addition, because of the limited number of targets, there is no real distinction between an effectively deployed ASAT system and one that is still in the test stage of development. Further, the Group does not believe that it is practical to obtain a verifiable and useful agreement limiting electronic interference. These various factors must be clearly and fully understood before entering into negotiations on ASAT limitations.

*[1 paragraph (5½ lines) not declassified]*

This target list places enormous technical and operational demands on a US system. The size and composition of the targets and the time requirements imply a substantial system deployment including non-conus basing, in the southern hemisphere. While the Group is not in a position to present a definitive target list, we believe a more modest system aimed at the critical military threat is appropriate. *[2½ lines not declassified]*

The size of this target set and the time requirements must, of course, be reassessed as the composition of the Soviet satellite fleet evolves.

A system aimed only at low-orbit interception is also suggested by the fact that a demonstration of a high-altitude capability by the US would encourage the early development of a similar capability by the USSR. This would negate the current US superiority of high altitude. In summary, proceeding with development of a low-orbit intercept system is appropriate. The decision to undertake flight testing at a suitable time in the development cycle should consider the status of arms control negotiations or agreements. At present, it would be premature to develop or demonstrate a high altitude intercept capability.

9. **Memorandum from the President's Assistant for National Security Affairs (Brzezinski) to President Carter**<sup>1</sup>

Washington, September 19, 1977

SUBJECT

PRM/NSC–23 Issue: Arms Control for Anti-Satellite (ASAT) Systems

Harold Brown, as Chairman of the PRM/NSC–23 Policy Review Committee, has forwarded (Tab A)<sup>2</sup> for your review and decision the subject issue. At Tab B is a decision paper which summarizes the issue, discusses the options and provides agency positions. The more detailed paper done by the PRM/NSC–23 study group is at Tab C.

Arms control is but one aspect of overall U.S. policy toward military, civil and intelligence space activities. Other elements include our survivability measures, our ASAT capabilities and the military utility of space to U.S. strategic and tactical forces. Arms control is not a substitute for survivability measures, although it could affect long-term requirements. As we have discussed before, there is a definite interrelationship between arms control of ASAT and many other space related issues. With these considerations in mind, the PRM–23 study developed four approaches to ASAT arms control as follows:

*Approach One: No Agreement:* This approach is important because the Soviets may not be willing to agree to any substantive and equitable ASAT limitations. They may feel the U.S. is merely attempting to impede activities in a realm where they have advantages.

*Approach Two: Emphasis on Peacetime Problems:* This would not limit the capabilities of ASATs, but would focus on peacetime problems, proposing “rules of the road” and a ban on peacetime interference to emphasize the importance of satellites to strategic stability.

*Approach Three: Selected Limits to Control the Scope of ASAT Activity:* This would in effect create a partial sanctuary by prohibiting ASAT systems which do not yet exist.

*Approach Four: Relatively Comprehensive ASAT Arms Limitations:* This would attempt to preclude significant arms competition in ASAT systems.

A useful summary comparison of the approaches is provided at Tab C in Table 4 including possible provisions and problems.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 41, Folder 3, PRM–23 [3]. Top Secret; Talent Keyhole; Comint.

<sup>2</sup> Tab A is Document 7. Tab B is the attachment to Document 7. Tab C is Document 6.

### Conclusions

While the JCS supports Approach One, OSD supports Approach Two. (Their views are at the red tags at Tab B) On the opposite end of the spectrum, State, ACDA, OSTP and OMB support Approach Four. I recommend you support the most comprehensive approach—Approach Four. [5 lines not declassified]

There will probably not be a better time to seek an ASAT arms control agreement. The Soviets probably believe they are temporarily ahead in the ASAT race; however, their present system is limited. The U.S. has a better system in development, and we will have a Space Shuttle after 1979. They respect our space technology and our ability to rapidly deploy advanced weapons systems, and may see the logic of an arms control agreement now.

Approach Four would prevent any further testing or deployment of the present Soviet ASAT interceptor, and the testing or deployment of any additional destructive Soviet ASAT system. It would ban the testing or deployment of *any* destructive U.S. ASAT system. Obviously, there would be an asymmetry: the USSR would have an unsophisticated but tested system for use at lower altitudes, and we would not. This should encourage Soviet interest in such an agreement. However, the U.S. will enjoy an asymmetrical advantage in another potential anti-satellite system—the Space Shuttle—and the Soviets are well aware of this. [2½ lines not declassified]

In addition to these advantages, Approach Four would have additional arms control benefits that the other approaches lack. A ban on peacetime use only (Approach Two) would encourage unrestrained development of more sophisticated ASAT systems for both sides. Essentially, it does not add—except cosmetically—to what presently exists.

A ban on advanced systems (Approach Three) would encourage development of ASAT systems at low altitudes. Confidence developed in programs at low altitudes could be extended in the future to a high altitude capability. It would, however, place limitations on advanced systems such as lasers in space for which the U.S. has considerable concern and a promising development effort.

During any negotiations that might ensue with the Soviets on any of the approaches adopted to place limits on ASAT systems, *we should vigorously and publicly pursue research and development* on all U.S. ASAT systems, carrying to production only those elements which we cannot get the Soviets to include in a treaty. I do believe that, short of operational testing, some R&D should be continued as a hedge against Soviet breakout.

Harold has suggested that because of this issue's importance, and the *widely differing views*, that an NSC meeting might be held to further

discuss the subject. On the other hand, I believe there has been adequate debate. All the material necessary for a decision is in this package. Moreover Harold does not feel strongly that a meeting is necessary.

RECOMMENDATION:

Approve Approach Four as the desired goal for the purposes of developing terms of reference for our negotiating team. I will notify the PRC.

APPROVE \_\_\_\_\_<sup>3</sup>

DISAPPROVE, schedule NSC meeting first for further  
discussion \_\_\_\_\_

OTHER \_\_\_\_\_

\_\_\_\_\_

<sup>3</sup> Carter checked "Approve." Underneath he wrote "a) Continue our own R&D on ASAT pending agreement b) Insist on strict terms in any agreement re Soviet testing, use, dismantling. J.C."

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**10. Memorandum From the Deputy Assistant Secretary of  
Defense for International Security Affairs (Slocombe) to the  
President's Deputy Assistant for National Security Affairs  
(Aaron)<sup>1</sup>**

Washington, September 22, 1977

SUBJECT

ASAT

Dave—

Normally, I'd pass this through Bob Rosenberg, but he's out today:

As you know, Secretary Brown would prefer to have an NSC meeting prior to final decision on the ASAT issue. I believe the principal point he would want to have discussed at such a meeting is the verifiability of comprehensive ASAT prohibitions, taking into account the scale of violation necessary to have a significant military capability,

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, ASAT Arms Control. Top Secret. The salutation is handwritten.

etc. Our suggestion to include in the PD a sentence saying in effect that there would be a review of verification problems before the idea of a comprehensive ban was broached with the Soviets in any detail was to provide a mechanism for appropriate high-level consideration of the issue without pressing for a meeting now. If you feel that such language can't be included in the PD, I think I should advise him and give him a chance to seek an NSC meeting, or talk to you, Zbig or the President.

**Walter Slocombe**

*Principal Deputy Assistant Secretary of Defense  
International Security Affairs*

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- 11. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance, Secretary of Defense Brown, the Director of the Office of Management and Budget (McIntyre), the Director of the Arms Control and Disarmament Agency (Warnke), the Chairman of the Joint Chiefs of Staff (Brown), the Director of Central Intelligence (Turner), the Administrator of the National Aeronautics and Space Administration (Frosch), and the Special Advisor to the President for Science and Technology (Press)<sup>1</sup>**

Washington, September 23, 1977

SUBJECT

Arms Control for Antisatellite (ASAT) Systems

The President has reviewed the subject decision paper submitted by the Chairman, PRM/NSC-23 Policy Review Committee,<sup>2</sup> and has approved Approach Four as the desired goal for our negotiations with the Soviets. This approach seeks a relatively comprehensive agreement which would ban all ASAT capabilities except electronic warfare. The ban would prohibit testing in space or against objects in space, deploy-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 41, Folder 3, PRM-23 [3]. Top Secret.

<sup>2</sup> See Document 6.



ment, or use of any ASAT for physical attack on satellites. The current Soviet orbital interceptor would be dismantled.<sup>3</sup>

Further, the President has directed continuation of our own research and development (R&D) on ASAT systems pending an agreement. These programs should be vigorously pursued with a comprehensive R&D program short of operational or space-based testing, carrying to production only those elements which we cannot get the Soviets to include in a treaty. Beyond that, some R&D should be continued as a hedge against Soviet breakout. The policy for public release of information on U.S. ASAT development will be to enhance the likelihood of Soviet acceptance of the U.S. proposals.

Finally, the President directs that the U.S. Government insist on *strict* terms in any agreement regarding discontinuance of testing, use and dismantling of projected or current Soviet ASAT capabilities. Emphasis is to be placed on the verifiability of the specific agreement to be proposed pursuant to this directive, with vigorous pursuit of a program to insure the capability to verify agreements reached. The first order of business with the Soviets should be to seek a prompt end to their ASAT testing.

An SCC Working Group including members from ACDA and DOD should develop detailed terms of reference and negotiation work packages for Special Coordination Committee review.

**Zbigniew Brzezinski**

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<sup>3</sup> Reference is to the Soviet missile that could be targeted against low-altitude targets such as reconnaissance aircraft and, potentially, satellites. See memorandum to holders of National Intelligence Estimate 11–3–71, “Soviet Strategic Defenses,” August 19, 1971. The text of the memorandum is in the CIA FOIA Electronic Reading Room ([www.foia.cia.gov](http://www.foia.cia.gov)).

## 12. Memorandum of Conversation<sup>1</sup>

Washington, October 17, 1977, 4:00–6:15 p.m.

### SUBJECT

Arms Control Issues: SALT, ASAT, Conventional Arms No. II of IV

### PARTICIPANTS

US

The Secretary

Marshall D. Shulman

USSR

Ambassador Anatoliy F. Dobrynin

Dobrynin came in Monday afternoon, October 17, at the Secretary's request. The meeting lasted from 4:00 to approximately 6:15.

[Omitted here is discussion unrelated to anti-satellite capabilities.]

2. *Anti-Satellite Systems*—The Secretary said he wanted to let Dobrynin know that a proposal would soon be transmitted to the Soviet Union regarding limitations on ASAT systems. He underlined the importance of the subject, saying that in his recent testimony before the Congress<sup>2</sup> on SALT, he had been interrogated at length about the continuing capability of the US to monitor compliance with the SALT agreement by satellite observation. He had replied that this was very important and this had led to the question of the effect on satellite monitoring of the development of an ASAT system. Dobrynin asked whether the American communication would add further concrete thoughts and suggestions. The Secretary replied in the affirmative and said that this would have a significant bearing on the ratification of the SALT agreement.

[Omitted here is discussion unrelated to anti-satellite capabilities.]

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 3, Dobrynin-Vance, 10/17/77. Secret; Nodis. Drafted by Shulman; and approved by David Anderson (S/S) on October 31. The meeting took place at the Department of State. The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 53.

<sup>2</sup> Vance testified before the Senate Foreign Relations Committee about SALT and negotiations in the Middle East on October 13.

**13. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to Secretary of State Vance<sup>1</sup>**

Geneva, October 19, 1977

**SUBJECT**

Anti-Satellite Limits

This will acknowledge your memorandum of October 13<sup>2</sup> on anti-satellite limits. I am happy to have your approval on pursuing this subject with the Soviets in the Standing Consultative Commission.

I understand and agree with your desire to strengthen the Moscow channel for exchanges with the Soviets. I believe, however, that it would be desirable at the same time to pursue this particular subject in Washington.

The way this issue was left with Dobrynin last summer, the next step is for the US to make a substantive proposal on ASAT limits after which a forum for further negotiations can be established. Our approach to the Soviets thus should include a brief exposition of our proposal to ban ASAT systems, our proposal for a prompt moratorium on testing ASAT systems while the talks are under way, and our proposal for conducting these negotiations in the Standing Consultative Commission. We will therefore be beginning a complex negotiation. The Soviets in all likelihood will ask questions, seek clarifications, and perhaps make counter-proposals because of the complexities of this subject. I believe that concurrent approaches in Washington and Moscow will avoid the difficulties and potential misunderstanding of handling these sensitive matters entirely by exchanging cables with Embassy Moscow.

This is, of course, a US initiative proposed by you to Gromyko in March.<sup>3</sup> While we don't know yet what the Soviet attitude will be, all signs point to an uphill struggle to achieve their consent to a comprehensive and verifiable agreement. The position adopted by the President is the one which State and ACDA recommended as a means of dealing with one of the more important arms control problems. It will help immensely to get these negotiations off to the best possible start and to convey to the Soviets the impression that we consider this to be an important issue, that our approach is fair and balanced as well as

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P770184–0491. Secret.

<sup>2</sup> Not found.

<sup>3</sup> See Document 3.

comprehensive, and that the best forum for pursuing these negotiations is the SCC. If possible, I believe you should take this up personally with Ambassador Dobrynin at the same time that Ambassador Toon talks with appropriate officials in Moscow. If your schedule won't permit this, perhaps Marshall Shulman and Spurgeon Keeny, who follows this subject closely, might be designated to make the initial Washington approach.

**Paul C. Warnke**

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#### **14. Editorial Note**

On November 4, 1977, President Jimmy Carter wrote Soviet General Secretary Leonid Brezhnev that Soviet anti-satellite (ASAT) testing in space had become "of increasing concern to us" and had been "carefully noted in our country." Carter warned that this concern "has emerged in our efforts to build support in the U.S. Senate for a SALT agreement. This is a seriously destabilizing development which we have voluntarily foregone, although we have the technical capability to build systems. A very early joint agreement not to conduct further tests and to forego this capability," the President said, "would be helpful." (Letter from Carter to Brezhnev, November 4; Carter Library, National Security Affairs, Staff Material, Office, Outside the System File, Box 69, USSR: Brezhnev-Carter Correspondence: 6-12/77. Brezhnev replied that he was "ready to hold consultations" on ASAT systems, but said the discussions "would include, of course, all the systems and means which possess such potential capability including manned space shuttles." (Letter from Brezhnev to Carter, November 15; Carter Library, Plains File, President's Personal Foreign Affairs File, Box 4, USSR (Brezhnev Drafts/Letters) 4/77-9/80)

**15. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, November 28, 1977

## SUBJECT

Soviet and US High-Energy Laser Weapon Programs

As you recall, a little over a week ago, [2 lines not declassified] Harold Brown has reacted by sending you an assessment of US high-energy laser (HEL) Programs (Tab A).<sup>2</sup> His main points are: (1) that we are probably somewhat ahead in technology and would probably be ahead in some applications if we chose to pursue them; [less than 1 line not declassified] I have also had my staff examine both the US high-energy laser program [less than 1 line not declassified] As a result of that examination, I think that it is appropriate to make the following points.

[less than 1 line not declassified]

—[3 lines not declassified]

—[4 lines not declassified]

—As part of the comparative technology assessment done for PRM-10,<sup>3</sup> [4 lines not declassified]

*Concerning US Programs*

A short description of US HEL research programs is given at Tab B.<sup>4</sup> Overall, those of our programs that are pursuing the technology needed for tactical applications seem aggressively funded. We could probably move more rapidly toward a space-based laser ASAT capability if we were willing to fund a program directed at this purpose. Before making such a decision, we should examine its impact carefully—particularly in light of our ASAT arms control interests.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject Chron File, Box 124, Weapons Systems: 11–12/77. Secret.

<sup>2</sup> Not attached. An undated memorandum from George Heilmeier, the Director of the Defense Advanced Research Projects Agency, to Secretary of Defense Brown, which was attached to a November 14 memorandum from Under Secretary of Defense William Perry to Brown, contains information about High-Energy Laser programs. Heilmeier's and Perry's memoranda are in the Washington National Records Center, OSD Files: FRC 330–80–0017, Box 56, 471.96 (11 Nov–Dec) 1977.

<sup>3</sup> Presidential Review Memorandum 10, "Comprehensive Net Assessment and Military Posture Review," is scheduled for publication in *Foreign Relations, 1977–1980*, vol. IV, National Security Policy.

<sup>4</sup> Tab B is attached but not printed.

*Concerning Relative Progress and Its Significance*

For the various tactical applications of lasers, the military significance of being the first to deploy an operational system is probably not very great because such systems would have to be deployed in large numbers to make a significant overall impact.

Ground or space based ABM applications are potentially very significant. However, a number of ground based systems would be required, and while laser radars may be practical, systems with enough power to destroy large numbers of missiles or RV's in very short times are a long way off.

[1 paragraph (9 lines) not declassified]

Nonetheless, the political consequences of a Soviet laser ASAT system in space might be substantial. Soviet demonstration of a space based laser ASAT system might shatter our sense of technical superiority as badly as it was when the first Sputnik was orbited.<sup>5</sup>

*Conclusions*

The issue seems to boil down to one basic question. What should we do to guard against the possibility of a space-based laser ASAT "gap"?

The obvious answer would be to prevent high-energy lasers from being put in space—or, if there are valuable legitimate uses of HEL's in space, to develop agreed procedures with the Soviets to govern all such uses. Accordingly, I have asked the ASAT arms control working group to examine the possibilities for verifiable agreements along such lines.

To hedge against the failure of efforts to limit the use of HEL's in space, we should pursue the technology required to do this ourselves—as fast as reasonable levels of efficiency will allow. I therefore intend to ask Harold whether or not there are any additional technology efforts we should consider if we want to minimize the delay involved in bridging the gap from tactical to space ASAT applications.

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<sup>5</sup> The Soviet Union successfully launched the *Sputnik* satellite in 1957.

**16. Information Memorandum From the Principal Deputy Assistant Secretary of Defense for International Security Affairs (Slocombe) to Secretary of Defense Brown<sup>1</sup>**

Washington, December 16, 1977

SUBJECT

Anti-Satellite (ASAT) Arms Control Negotiations—INFORMATION  
MEMORANDUM

During the past several weeks, extensive interagency effort has been underway on initial studies to form a framework for possible arms control negotiations with the Soviets on limiting anti-satellite activity.

The current NSC timetable for future work on this issue proposes a meeting of SCC principals on Thursday, 22 December. Its purpose would be to (a) review the definition of “interference with space objects,” which would be banned under an ASAT regime, (b) set forth our current understanding of the verification/monitoring issue, (c) consider a proposed public release, Congressional approach and security policy, (d) discuss the appropriate negotiating forum, and (e) decide on the manner and timing of an initial approach to the Soviets.

Initially, the ASAT arms control problem seemed to be one that would lend itself to rapid consideration within the interagency process, involve a clear definition of choices and explanation of their effects, and allow early discussions with the Soviets, with an understood, if not unanimously supported U.S. position in hand. Our subsequent work on this issue, as well as that of the intelligence community, continues, however, to turn up unforeseen complexities. Many of them are in the area of verification/monitoring while others involve equally significant problems created by the current asymmetries between the Soviet and U.S. programs, by the inherent complexity of space technology and its application, and by the relationship of negotiations planning to our own developing ASAT program. To insure that the technically complex problems are understood as well as possible and innovative solution proposals advanced (and understood), the Under Secretary of Defense for Research and Engineering has engaged the assistance of DARPA and its contractors for technical backup as the interagency work progresses.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 56, 471.96 (11 Nov–Nov) 1977. Secret. Coordinated by Under Secretary of Defense for Research and Engineering Ross N. Williams. A stamped notation at the top of the memorandum reads: “SEC DEF HAS SEEN.” Under the date stamp, Brown wrote “12/17 Dep Sec should see. HB.”

Broadly, the work so far has shown that, as we all expected, monitoring is tough—and, in contrast to many areas, there are potentially large payoffs from small violations. More surprisingly to me as a layman, the concepts of banning ASAT capabilities and even interference with satellites has proven very hard to operationalize. While there may be some in the military and intelligence space business who resist all ASAT limits in principle, I remain impressed with the widespread agreement that ASAT bans would be very useful if attainable, but very hard to get in technically reliable ways, not to mention ways that would command political support.

From this, I conclude that a reasonable prospect of a responsible and successful outcome requires that interagency planning proceed at a deliberate pace, that insures that all associated issues are thoroughly examined. Until that process is complete, I believe that the pressure for immediate negotiations with the Soviets would not serve our national security needs over the long term—nor, indeed, the President's commitment to the most comprehensive, effective ASAT agreement we can get. Other agencies involved, namely NASA, CIA, OJCS, and IC Staff, also believe that a more orderly and deliberate process is required, particularly as we would be negotiating with the Soviets from a position of relative inferiority in this area.

Because of these concerns, it may well be that the 22 December SCC meeting will be postponed.<sup>2</sup> In any event, the interagency effort clearly will not be in a position to present information and analysis necessary for decisions that soon. The meeting could serve an educational function and lead to development of a work plan for the interagency effort in coming to grips with this issue on an orderly basis. Clearly, doing the job right will take time—but a hasty proposal would only give us time to repent (and fight off critics of the process as well as the substance) at leisure.

**Walter Slocombe**

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<sup>2</sup> The SCC Meeting scheduled for December 22 was ultimately postponed until February 15, 1978. See Document 17.



## 17. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, February 15, 1978, 2:30–3:45 p.m.

### SUBJECT

ASAT Treaty

### PARTICIPANTS

#### *State*

Secretary Cyrus Vance  
Jerry Kahan, Deputy Director,  
Office of Political/Military  
Affairs

#### *Defense*

Secretary Harold Brown  
Deputy Secretary Charles Duncan  
Walter Slocombe, Principal  
Deputy Assistant Secretary  
for International Security  
Affairs

#### *JCS*

Lt Gen William Y. Smith, Special  
Assistant to the Chairman

#### *ACDA*

Spurgeon Keeny, Deputy Director  
James Timbie, Head, Strategic  
Affairs Division

#### *NASA*

Robert Frosch, Administrator  
Alan Lovelace, Deputy  
Administrator

#### *OSTP*

Frank Press  
Ben Huberman  
Arthur Morrissey, Senior Analyst

#### *OMB*

Bowman Cutler, Executive  
Associate Director, Budget  
Randy Jayne, Associate Director,  
National Security and  
International Affairs

#### *CIA*

Stansfield Turner  
Sayre Stevens, Deputy Director,  
National Foreign Assessment  
Center

#### *White House*

Zbigniew Brzezinski<sup>2</sup>

#### *NSC*

Victor Utgoff  
Robert Rosenberg  
Charles Stebbins

### *Treaty Provisions and the Initial Approach to the Soviets*

It was agreed that the following general provisions are acceptable as a framework for future negotiations:

—*Prohibited* (peacetime or war)

—ASAT system testing in space or against objects in space.

—Use of ASAT systems or readying such systems for operational use.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Brown Files—General #1, ASAT Arms Control. Top Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> In the right-hand margin, an unknown hand wrote “(Chairman)” after Brzezinski’s name.

—Interference with the operation of any of the other side's space systems, including (during peacetime only) electronic warfare (EW) against satellite systems.

—*Permitted*

—Testing of EW ASAT systems in space and against space objects.<sup>3</sup>

—R&D and ASAT testing short of space or ground-to-space testing.

However, the provisions will not be used in the early stage of negotiations. Rather, Secretary Vance will contact the Soviets informally, suggesting—as a first step—that the US and the Soviets negotiate an agreement that defines an attack on a satellite of the other side as a hostile act. Secretary Vance will also suggest that, as an indication of good faith, both sides should immediately forego further ASAT testing in space or against space objects. Appropriate Congressional leaders are to be briefed on the US initiative, but the initial approach to the Soviets will be informal, unpublicized and low-key, pending indications that these negotiations have reasonable prospects for success.

#### *Relative Impact of a Treaty on Both Sides*

The Interagency Working Group (IAWG) is tasked to prepare a study of whether it would be more advantageous to negotiate a Treaty that would accept the current US/Soviet ASAT asymmetry in favor of the Soviets, or let the ASAT testing continue on both sides until capabilities on both sides have become more symmetrical.

#### *Verification*

Recognizing the difficulties in verifying an ASAT Treaty using current national means, the IAWG is tasked to study whether the US should devise new systems and procedures allowing improved verification. Included in the study will be an examination of various satellite survivability techniques that the US might employ to improve verification of any ASAT Treaty provision that prohibits hostile actions against the other side's satellites.

#### *Press Releases/Public Statements*

The IAWG will clear all press and public statements concerning ASAT negotiations, capabilities and other activities.

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<sup>3</sup> In the right-hand margin, Carter wrote "seems in conflict" and drew arrows pointing to be the first sentence under the heading "Prohibited" and the first sentence under "Permitted."

*Forum for Future Negotiations*

Dr. Brzezinski, Secretary Vance and Secretary Brown will decide later, among themselves, what forum the US will propose for conducting ASAT Treaty negotiations.

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**18. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, February 24, 1978

SUBJECT

U.S. Position Regarding Anti-satellites (ASAT)

You will recall as a result of recommendations emanating from PRM/NSC-23, "A Coherent Space Policy," that you established several principles related to Arms Control for ASAT Systems. These included:

—A goal for our negotiations with the Soviets of a relatively comprehensive agreement which would seek to ban all ASAT capabilities except electronic warfare.

—Discontinuance of testing, use, and dismantling of projected or current Soviet ASAT capabilities.

—Emphasis on verifiability of our proposals and any subsequent agreement.

—Vigorous pursuit of our own comprehensive ASAT R&D program short of operational or space based testing, carrying to production those elements not included in a treaty, and continuing U.S. R&D after a treaty as a hedge against breakout.

It is on this latter point that our additional deliberations have caused me to recommend a change in tactics. I now have concerns that our own prohibition in our directive on U.S. space base testing may in fact be counterproductive. No doubt the contents of the restriction in

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PD/NSC-33. Top Secret. Sent for action. In the upper right-hand corner, Carter wrote "Zbig—on something like this always get DOD & State comment. J. p.s. It's probably o.k." On February 25, Brzezinski forwarded the memorandum to Vance and Brzezinski and added "I believe the timing is such that we should modify the existing PD before the Secretary of State has his initial talks with the Soviets to assure that they have this message." He also requested "your views on this approach by 1 March." (Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Brown Files—General #1, ASAT Arms Control)

the PD (TAB A)<sup>2</sup> are by now known to both the Congress and the Soviets providing:

—A disincentive to the concerned oversight committee in Congress to fund an ASAT R&D program the President has restricted from what they perceive to be realistic testing—this could put us even further behind the Soviets unless we make a concerted effort to properly educate the Armed Services and Defense Appropriations Committee leadership on the complexities associated with verification, testing, protection from breakout, etc., an effort we are now undertaking, but which could fail to be persuasive given the mood on the Hill.

—A disincentive to the Soviets to stop their own testing in space, knowing that you have precluded U.S. testing in space.

A useful solution you should consider as a political move is, for the record, to remove the restriction against U.S. testing in space (which means little technically today—as we could not do it in the near term, with great certainty, anyway) which would be a positive sign that we intend to seek equivalent capabilities as soon as possible unless the Soviets are willing to take positive steps to stop testing, dismantle, and agree to *substantive* verification techniques.

I believe the timing is such that we should modify the existing PD before Cy Vance has his initial talks with the Soviets to assure that they have this message.

#### RECOMMENDATION

That you direct removal of the restriction on “operational or space based testing,” authorizing the Secretary of Defense to pursue, for *planning purposes*, a U.S. ASAT development program encompassing that testing in space or against U.S. objects in space deemed essential to demonstrate a capability.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Other \_\_\_\_\_<sup>3</sup>

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<sup>2</sup> Tab A is printed as Document 11.

<sup>3</sup> Carter did not indicate his preference with respect to the recommendation.

**19. Memorandum From Secretary of Defense Brown to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, February 28, 1978

SUBJECT

U.S. Position Regarding ASAT Policy (U)

(S) This memorandum is in reply to your correspondence of February 25, 1978,<sup>2</sup> requesting my views regarding the deletion of space test restrictions from the existing Presidential Directive on Arms Control for ASAT Systems.

(TS) For the reasons which you have cited, I agree that it would be wise to modify the Presidential Directive along the lines that you have suggested. Our program, as currently planned, does not require a change in Presidential guidance until 1980; however, it is necessary that the Congress support our budget requests if we are to maintain our option for flight tests in 1981. Although I think that it is unlikely that the FY 1979 budget requests will not be fully approved as a consequence of the testing restrictions, the removal of these restrictions would eliminate any such possibility. Removal of the testing restrictions also has the advantage of enhancing the likelihood of Soviet acceptance of U.S. proposals by indicating our firm intent to achieve a high-performance ASAT capability as quickly as possible.

(S) If we are to achieve an ASAT interceptor capability of which we are confident, we must test against targets in space. Therefore, I view space testing as essential to the test and evaluation process and a necessary phase in the weapon development cycle. It would be preferable, then, that any authorization to test not contain a restrictive clause that limits tests to demonstration purposes, as may have been suggested in your memorandum. My concern is that development flight tests might be deemed not to be allowed.

(S) If desired, as a means for impressing upon the Soviets our resolve and ability to develop an ASAT weapon, we could conduct an ASAT flight test demonstration (using MINUTEMAN, as I mentioned to you and the President) within about 12 months for about \$50 M. This effort would be quite different from the program we are now pursuing. The interceptor would be assembled from available components,

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PD/NSC-33. Top Secret.

<sup>2</sup> Not found.

would lack the performance, and would be more costly than the approach we are now taking. While a single-shot demonstration may provide an incentive to the Soviets to accept our proposals, however, it may also divert resources away from our present program that could provide an effective system, if needed. I therefore do not recommend it.

Harold Brown

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## 20. Informal Notes on a Meeting Between Secretary of State Vance and Soviet Ambassador Dobrynin<sup>1</sup>

February 28, 1978

1. Dobrynin came in at his request for the purpose of delivering a letter from Brezhnev to the President. He presented the Russian text and an unofficial translation prepared in the Soviet Embassy. (He commented as he did so that he was doing our work for us, and that we did not generally prepare a Russian translation of our letters to Brezhnev.)

2. *The Brezhnev letter* is a reply to the President's letter of January,<sup>2</sup> and matches the President's letter in its blunt tone, and round-up coverage of a number of issues. However, it is in line with recent Brezhnev speeches that express concern about the state of US-Soviet relations and a desire to seek an improvement. It probably was written before the Brezhnev speeches of last week, and lacks the upbeat suggestion of steps to infuse a new dynamism in the relationship.<sup>3</sup>

The letter expresses disappointment at the lack of progress in the SALT negotiations since the Gromyko visit to Washington last Sep-

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 3, CV-Dobrynin 2/28/78. Secret. Drafted by Shulman on March 1. The informal notes are printed in full in *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 85.

<sup>2</sup> Omission in the original. Carter's January 25 letter is printed in *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 77.

<sup>3</sup> Reference presumably to remarks Brezhnev made during a "high level" meeting in the Kremlin on February 24. He stated that improved U.S.-Soviet relations were "blocked by all kinds of obstacles," including slow progress on talks to limit strategic arms, the neutron bomb, and trade. ("Brezhnev Claims U.S. is Blocking Improved Ties," *New York Times*, February 25, 1978)

tember,<sup>4</sup> and protests what he sees as our use of domestic opposition to SALT to gain bargaining advantages.

On the neutron bomb, the letter also expresses disappointment with the President's reply, and repeats the concern that the neutron bomb would lower the nuclear threshold.

He remonstrates US linkage of arms control negotiations with other issues, particularly the Horn, and repeats that Soviet objectives in the Horn are limited to helping Ethiopia resist Somali aggression.

On the Middle East, the letter responds by saying that it is the US, not the SU, that has departed from the common approach agreed upon in the joint statement of October 1,<sup>5</sup> and has encouraged separate negotiations between Egypt and Israel. Other Arab states will not participate even if these bilateral negotiations succeed, he says, and therefore only a comprehensive settlement at Geneva can resolve the situation.

3. The Secretary asked if Dobrynin had a report on the *Assad conversations in Moscow*. Dobrynin said he had not yet received the information, but would hope to be able to convey a report shortly.

4. ASAT. The Secretary informed Dobrynin that the US is prepared to begin discussions on this subject in April at Geneva, and covered the other points set forth in the agreed talking points.

Dobrynin replied that, as Brezhnev had said in a previous letter, the ASAT discussions should cover not only the satellite versus satellite problem, but also the shuttle system versus satellite situation.

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<sup>4</sup> On Gromyko's September 1977 visit to Washington, where he met Vance and Carter, see *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 50.

<sup>5</sup> The joint statement on the Middle East is printed in *Foreign Relations, 1977–1980*, vol. VIII, Arab-Israeli Dispute, January 1977–August 1978, Document 120. The *New York Times* and *Washington Post* published the full text of the statement on Sunday, October 2.

**21. Memorandum From Secretary of State Vance to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, March 6, 1978

SUBJECT

US Position Regarding Anti-Satellite Arms Control

I agree in principle with the idea expressed in your memorandum of February 25.<sup>2</sup> I would, however, be averse to creating the presumption that the US has in fact decided to test ASATs, for we have not and should not until our development programs have reached that point at which we need to make such a decision.

I therefore propose that the original decision memorandum be changed to read that the Secretary of Defense should plan on testing when our programs reach the appropriate stage of development, subject to further Presidential decision at that time. This would of course carry the implication that whether or not we test will depend heavily on whether the Soviets continue to test.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PD/NSC-33. Top Secret.

<sup>2</sup> Not found.

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**22. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, March 9, 1978

SUBJECT

U.S. Position Regarding Anti-Satellites (ASAT)

On my previous memo to you regarding removal of the restriction on "operational or space based testing" you called for DoD and State comment (Tab A).<sup>2</sup>

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PD/NSC-33. Top Secret. Sent for action. Carter initialed the memorandum.

<sup>2</sup> See Document 18.



Both Harold Brown<sup>3</sup> and Cy Vance<sup>4</sup> have responded affirmatively to the proposal. Harold stated in his response that Congressional support for our budget requests are necessary if we are to maintain our option for flight tests by 1981. Further, and I believe a most significant point, he states that:

“If we are to achieve an ASAT interceptor capability of which we are confident, we must test against targets in space. Therefore, I view space testing as essential to the test and evaluation process and a necessary phase in the weapon development cycle. It would be preferable, then, that any authorization to test not contain a restrictive clause that limits tests to demonstration purposes, as may have been suggested in your memorandum. My concern is that development flight tests might be deemed not to be allowed.”

Cy, however, feels that our stance should be more cautious. While he supports the idea in principle, he suggests that the original decision memo (restriction highlighted at Tab B)<sup>5</sup> be modified to read that the SecDef should plan on testing at the appropriate stage of development, *“subject to further Presidential decision at that time.”*

I would suggest that any such limitation would better be treated as an understanding between you and Harold, rather than lessen the impact of a very positive statement on testing at this time.<sup>6</sup>

I share Harold’s belief that removal of the restriction has the advantage of enhancing the likelihood of Soviet acceptance of U.S. proposals by indicating our firm intent to achieve a high performance ASAT capability as quickly as possible.

APPROVE Removal of Restriction (as per Brown) \_\_\_\_\_<sup>7</sup>

APPROVE, Subject to Cy’s Qualification \_\_\_\_\_

DISAPPROVE \_\_\_\_\_

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<sup>3</sup> See Document 19.

<sup>4</sup> See Document 21.

<sup>5</sup> Tab B included a draft PRM and is not published.

<sup>6</sup> Carter underlined the phrase “understanding between you and Harold” and wrote “ok. Tell Harold” in the right-hand margin.

<sup>7</sup> Carter checked the “APPROVE Removal of Restriction (as per Brown)” line and wrote “J” at the end of the memorandum.

**23. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of Defense Brown<sup>1</sup>**

Washington, March 10, 1978

SUBJECT

U.S. Position Regarding Anti-Satellites (ASAT)

The President has signed a Presidential Directive calling for the removal of the restriction on operational or space based testing. He has authorized you to pursue, for planning purposes, a U.S. ASAT development program encompassing that testing in space or against U.S. objects in space deemed essential to achieve an ASAT capability.

All other elements of my Arms Control for Anti-Satellite Systems memorandum dated September 23, 1977,<sup>2</sup> remain in effect at this time.

The President wishes, however, that prior to the actual conduct of any such U.S. testing, you obtain his concurrence. He has chosen to treat this limitation as an understanding between the two of you rather than lessen the impact of a very positive statement on testing in the more broadly distributed Presidential Directive.

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PD/NSC-33. Top Secret.

<sup>2</sup> See Document 11.

**24. Presidential Directive/NSC–33<sup>1</sup>**

Washington, March 10, 1978

TO

The Secretary of State  
The Secretary of Defense  
The Director, Office of Management and Budget  
The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence  
The Administrator, National Aeronautics and Space Administration  
The Director, Office of Science and Technology Policy

SUBJECT

Arms Control for Anti-satellite (ASAT) Systems

Reference is made to National Security Advisor memorandum, dated September 23, 1977, subject as above.<sup>2</sup>

I direct removal of the restriction, cited in the reference memorandum, on operational or space-based testing. The Secretary of Defense is authorized to pursue, for planning purposes, a U.S. ASAT development program encompassing that testing in space or against U.S. objects in space deemed essential to achieve an ASAT capability.

Our future dialogue with the Soviets on Space Arms Control should indicate that we intend to seek an ASAT capability as soon as possible unless they are willing to take very positive actions to preclude such a move on our part.

All other elements of the referenced memorandum remain in effect at this time.

**Jimmy Carter**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 4, Anti-Satellite System (ASAT): 7/77–10/80. Top Secret.

<sup>2</sup> See Document 11.

**25. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance<sup>1</sup>**

Washington, March 14, 1978

SUBJECT

U.S. Position Regarding Anti-Satellites (ASAT)

The President has signed a Presidential Directive calling for the removal of the restriction on operational or space based testing. He has authorized the Secretary of Defense to pursue, for planning purposes, a U.S. ASAT development program encompassing that testing in space or against U.S. objects in space deemed essential to achieve an ASAT capability.

All other elements of my Arms Control for Anti-Satellite Systems memorandum dated September 23, 1977, remain in effect at this time.

**Zbigniew Brzezinski<sup>2</sup>**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Box 123, Subject Chron File, Vance, Miscellaneous Communication With: 3-5/78. Top Secret.

<sup>2</sup> Printed from a copy that bears this typed signature.

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**26. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, March 22, 1978

SUBJECT

US and Soviet Laser Weapons Capabilities

Harold Brown has responded to your request for more information on present and potential US and Soviet laser weapons capabilities with his memo at Tab A.<sup>2</sup>

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 4, Anti-Satellite System (ASAT): 7/77-10/80. Top Secret. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> Not attached.

The projected dates for achieving some of the capabilities that Harold refers to are several years later than those you may have heard before. This is because while most technical reports give dates for initial operational capabilities—Harold speaks in terms of the date at which sufficient numbers of any given device could be fielded to achieve a “meaningful effect.” Given an agreed definition of what a meaningful effect is for a system, Harold’s date is probably more useful, though somewhat harder to predict. When Harold speaks of meaningful capabilities—in Table 1, he means one or two systems; in Table 2, he means the numbers I have added in the left hand column.

Harold’s memo does not mention two other applications of high energy lasers that may be of interest to you—space based lasers for use against: 1) ballistic missiles in the powered portions of their trajectories (where they are most vulnerable), or 2) bombers in the high altitude mid-course phase of their missions. Accordingly, I asked Harold for information on these applications and have summarized it below.

—[12½ lines not declassified]

—[6 lines not declassified]

I think the whole area of high energy laser weapons bears careful watching. As these systems develop, they may pose some significant challenges to our arms control interests, particularly in the ASAT area.

**27. Presidential Directive/NSC-37<sup>1</sup>**

Washington, May 11, 1978

TO

The Vice President  
The Secretary of State  
The Secretary of Defense  
The Secretary of Interior  
The Secretary of Agriculture  
The Secretary of Commerce  
The Director, Office of Management and Budget  
Assistant to the President for National Security Affairs  
Assistant to the President for Domestic Affairs  
Director, Arms Control and Disarmament Agency  
Chairman, Joint Chiefs of Staff  
Director of Central Intelligence  
Administrator, National Aeronautics and Space Administration  
Director, Office of Science and Technology Policy

SUBJECT

National Space Policy (U)

This directive establishes national policies which shall guide the conduct of United States activities in and related to the space programs and activities discussed below. The objectives of these policies are (1) to advance the interests of the United States through the exploration and use of space and (2) to cooperate with other nations in maintaining the freedom of space for all activities which enhance the security and welfare of mankind. (C)

1. The United States space program shall be conducted in accordance with the following basic principles. (U)

a. Commitment to the principles of the exploration and use of outer space by all nations for peaceful purposes and for the benefit of all mankind. "Peaceful purposes" allow for military and intelligence-related activities in pursuit of national security and other goals. (C)

b. The exploration and use of outer space in support of the national well-being and policies of the United States. (U)

c. Rejection of any claims to sovereignty over outer space or over celestial bodies, or any portion thereof, and rejection of any limitations on the fundamental right to acquire data from space. (U)

d. The space systems of any nation are national property and have the right of passage through and operations in space without interfer-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, Folder 1, PD/NSC-37. Top Secret.

ence. Purposeful interference with operational space systems shall be viewed as an infringement upon sovereign rights. (U)

e. The United States will pursue activities in space in support of its right of self-defense. (U)

f. The United States will maintain a national intelligence space program. (C)

g. The United States will pursue space activities to increase scientific knowledge, develop useful civil applications of space technology, and maintain United States leadership in space. (U)

h. The United States will conduct international cooperative space-related activities that are beneficial to the United States scientifically, politically, economically, and/or militarily. (U)

i. The United States will develop and operate on a global basis active and passive remote sensing operations in support of civil, military, and national intelligence objectives. Such operations will occur under conditions which protect classified technology, deny sensitive data, and promote acceptance and legitimacy of such activities. (C)

j. The United States will maintain current responsibility and management relationships among the sectors focused on civil, defense, and national intelligence objectives. (C)

k. Close coordination, cooperation, and information exchange will be maintained among the space sectors to avoid unnecessary duplication and to allow maximum cross-utilization, in compliance with security and policy guidance, of all capabilities. (U)

2. The United States will conduct those activities in space which are necessary to national defense. The military space program shall support such functions as command and control, communications, navigation, environmental monitoring, warning, tactical intelligence, targeting, ocean and battlefield surveillance, and space defense. In addition, defense space programs shall contribute to the satisfaction of national intelligence requirements. The following policies shall govern the conduct of the military space programs. (C)

a. *Security.* The military space program, including dissemination of data, shall be conducted in accordance with Executive Orders and applicable directives for protection of national security information, and commensurate with both the missions performed and the security measures necessary to protect related (national intelligence) space activities. (C)

b. [6 lines not declassified]

c. *Survivability.* Survivability of space systems, including all system elements, will be pursued commensurate with the planned need in crisis and war, the threat, and the availability of other assets to perform the mission. Identified deficiencies will be eliminated and an aggres-

sive, long-term program will be applied to provide more assured survivability through evolutionary changes to space systems. For critical missions, a distributed system architecture shall be considered for reducing single, critical nodes, including highly survivable emergency systems of limited capability for use in times of crisis and to back up the first line systems in case of system failure or attack. Civil systems (e.g., communications) used for critical military functions shall have a level of survivability commensurate with their planned use in national emergencies. (S)

d. *Anti-Satellite Capability.* In accordance with applicable executive directives, the United States shall seek a verifiable ban on anti-satellite capabilities, excluding electronic warfare. DoD shall vigorously pursue development of an anti-satellite capability, but will not carry to production those elements which are included in any treaty with the Soviets. Beyond that, some R&D should be continued as a hedge against Soviet breakout. The progress of ASAT arms control negotiations will be reviewed annually to determine if negotiations with the Soviet Union continue to be fruitful relative to the threat posed by Soviet actions in space, and consequently to determine if the U.S. ASAT efforts are still adequate. The space defense program shall include an integrated attack warning, notification, verification, and contingency reaction capability which can effectively detect and react to threats to U.S. space systems. (TS)

3. The United States foreign intelligence program shall include a space program to acquire information and data required for the formulation and execution of foreign, military, and economic policies; to support the planning for and conduct of military operations; to provide warning; to support crisis management; and to monitor treaties. The following policies shall govern the conduct of this program. (S)

a. *Protection of Sensitive Information.* The nature, the attributable collected information, and the operational details of intelligence space activities will be classified, and as necessary to protect sensitive aspects, will be controlled in special compartmented security channels. Collected information that cannot be attributed to space systems will be classified according to its content. Security restrictions on intelligence space satellite products will be selectively relaxed by the DCI to implement the following changes to permit wider use of space-derived intelligence information. (S)

—The fact that the United States conducts satellite reconnaissance for intelligence purposes, without disclosing the generic type of activity, will be classified CONFIDENTIAL (Exempt from the General Declassification Schedule) and handled outside the special security control system. (C)



—The existing special product controls will be used sparingly, and then only for those products and data that reveal sensitive aspects of the program as determined by the DCI. (S)

—For SIGINT, the special space-related product control system shall not be used when the DCI determines that the intelligence is protected by appropriate classification or the more general special intelligence control system. (TS)

—Operational aspects of intelligence space activities shall be afforded strict security protection within a special access program system as determined by the DCI. (S)

—Strict control over public statements and background concerning space reconnaissance will be maintained. (C)

—Further changes to the space intelligence security policy can be authorized only by the President. (C)

b. *Support of Military Operational Requirements.* Support of military operational requirements is a major space intelligence mission. National space intelligence assets shall provide appropriate support to deployed military operational forces in balance with their primary mission capabilities. In order to ensure a proper balance between the national and tactical missions of these assets, there will be military involvement in the requirements, tasking, exploitation, and dissemination functions and in the development program. The Secretary of Defense will, together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs, and the Secretary of Defense will provide the Director of Central Intelligence all information necessary for this purpose. (S)

c. *Interactions with Civil Community.* Selected space-related products and technology shall be made available to civil agencies within appropriate security constraints. The Intelligence Community may provide radio frequency (RF) mapping and surveys for the civil community under appropriate security controls. (TS)

d. *Survivability.* The national intelligence program shall be configured to operate in a hostile environment. The guidance set forth in subparagraph 2c. shall be aggressively pursued by the intelligence community. (S)

4. The United States shall conduct civil space programs to increase the body of scientific knowledge about the earth and the universe; to develop and operate civil applications of space technology; to maintain United States leadership in space science, applications, and technology; and to further United States domestic and foreign policy objectives. The following policies shall govern the conduct of the civil space program. (U)

a. The United States shall encourage domestic commercial exploitation of space capabilities and systems for economic benefit and to promote the technological position of the United States, except that all United States earth-oriented remote sensing satellites will require United States Government authorization and supervision or regulation. (U)

b. Federal civil earth imaging from space, at resolutions at or better than ten meters, will be permitted under controls and when such needs are justified and assessed in relation to civil benefits, national security, and foreign policy. Appropriate controls on other forms of remote earth sensing will be established. Expanded civil use of intelligence space data and technology within appropriate security constraints is encouraged. (C)

c. Data and results from the civil space programs will be provided the widest practical dissemination, except where specific exceptions defined by legislation, Executive Order, or directive apply. (U)

d. United States federal or private space systems identified as critical to the national defense may be equipped at DoD expense for use in national emergencies or to deny their use by an enemy in times of national emergency declared by the President. Implementation will occur as described in subparagraph 2b. The fact of or the details of such measures may be classified. (C)

e. Terrestrially-oriented federal or private radio frequency (RF) surveys in space are prohibited except through or in coordination with the Director of Central Intelligence under appropriate security controls. (TS)

f. The United States will develop, manage, and operate the Shuttle-based Space Transportation System through NASA in cooperation with the DoD to service all authorized space users—domestic and foreign, commercial and governmental—and will provide launch priority and necessary security to military and intelligence missions while recognizing the essentially open character of the civil space program. Mission control is the responsibility of the mission agency. Military and intelligence programs may use the Shuttle Orbiters as dedicated mission vehicles. (C)

5. The NSC Policy Review Committee shall meet when appropriate to provide a forum to all federal agencies for their policy views; to review and advise on proposed changes to national space policy; to resolve issues referred to the Committee; and to provide for orderly and rapid referral of open issues to the President for decision as necessary. The PRC will meet at the call of the Chairman for these purposes, and when so convened, will be chaired by the Director, Office of Science and Technology Policy. (U)

Interagency coordinating mechanisms will be employed to review and coordinate pertinent issues and projects, make evaluations, and implement policy decisions where appropriate. Special areas of interest include security and political risks involved with technology transfer and federal and private space operations involving remote sensing and communications. Unresolved policy issues will be forwarded to the PRC for review and resolution. (C)

**Jimmy Carter**

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**28. Memorandum From the Principal Deputy Assistant Secretary of Defense for International Security Affairs (Slocombe) to Secretary of Defense Brown<sup>1</sup>**

Washington, May 24, 1978

SUBJECT

ASAT—Suspension of Testing During Negotiations—ACTION MEMORANDUM

As you know, there is substantial sentiment in the building to have the SCC reconsider whether a suspension of testing during the ASAT talks is in the United States' interest. (See Tab A.) The NSC staff refuses, however, to put that issue in the issues paper being drafted for the meeting in the absence of a request to do so by a principal. Simply to ask to have the issue discussed does not prejudice where DOD comes out. Accordingly, I recommend that you call Dave Aaron and ask that suspension of testing be included in the paper as an issue for the SCC.

**Walter Slocombe**

*Principal Deputy Assistant Secretary of Defense  
International Security Affairs*

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–81–0202, Box 46, 471.96 (Apr–June) 1978. Secret. A stamped notation reads: "SEC DEF HAS SEEN." Under Slocombe's signature, Brown wrote "5/24. Called Dave A. He will include. HB."

**Tab A****Working Paper Prepared in the Department of Defense<sup>2</sup>**

Washington, undated

*SCC Action*

The direction to seek a “no test” agreement during the negotiations should be retracted for the following reasons:

—The Soviets have an orbital ASAT system in hand that has:

- a. An 80% reliability.
- b. Has been improved—demonstrated intercept on first orbit and may be employing a passive sensor.
- c. Launch pad turnaround is estimated to be hours.
- d. Launch pads available could be 4 and, with the SS-9, approximately 23.
- e. Could eliminate 14 US critical low altitude satellites in 45 hours.
- f. Can threaten synchronous targets using SL-12.

—With a “no test” arrangement during the negotiations, the Soviets will have less incentive to come to terms that result in a balanced US/USSR situation and in a quick and orderly fashion.

—They know that during this time frame, all US satellites are threatened and vulnerable and theirs are not.

—It is clear to the Soviets that the US has done little in the way of engineering and technology to get ready for ASAT development.

—Such an agreement could slow US programs because of DoD budget constraints and the Soviets would have effectively gained a 3- to 4-year advantage.

—Even if the US built an entire ASAT system ready to launch, the Soviets would have us at a 1- to 2-year disadvantage because it would take that long to test such a system and solve engineering problems.

—US booster options will be disappearing because of conversion to the Shuttle.<sup>3</sup>

—In a “no test” situation, the Soviets may insist on a US equivalent response.

—We have nothing to offer except to say we won’t test our *superior* technology.

—It is questionable if they will accept such a proposal.

—They may insist that we cancel our on-going R&D.

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<sup>2</sup> Secret.

<sup>3</sup> One of the space shuttle’s projected missions was to launch satellites into space, eliminating the need to launch them by traditional booster rockets.

—Since we have publicly advertised what we are doing (MHV, conventional, non-nuclear ABM), they can point specifically to such programs.

—They have previously contended that the US is the aggressor in this area and they are not. In a public relations move, such as the neutron bomb, they could probably make this view stick.

—The Soviets may insist on restrictions to the Shuttle during this period.

—This could include no tests of the teleoperator (jeopardy to skylab).<sup>4</sup>

—During treaty negotiations, the *absence* of a no test agreement could force the Soviets to an acceptable agreement.

—A rapid moving US ASAT program could give them incentive to come to an agreement before a US test occurs.

—Politically, a “no test” agreement during negotiations could be a problem.

—It would be difficult to negotiate an agreement that did not include such an article.

—We are not ready to come to such a conclusion.

—The US would always face an asymmetry.

—A caveat that says the US will test if we determine the negotiations are not progressing does not help the situation.

—The President would be put in a position of breaking an agreement and of justifying that the Soviets were not negotiating in good faith.

—The implications with respect to détente would prevent us from ever making such a move.

#### ALTERNATIVES

1—Do not request “no testing” during negotiations and make it clear to the Soviets that we are progressing as rapidly as possible.

2—Have a “no test” agreement that expires at the earliest time the US could test the MHV.

3—Have a “no test” agreement for all other kill mechanisms except EW and low altitude non-nuclear kill.

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<sup>4</sup> Skylab was a manned space station built by NASA that had been damaged upon its initial launch in 1974. During the Carter administration, NASA scientists hoped that the space shuttle could attach an experimental booster, the teleoperator retrieval system, to the station, thereby sending Skylab into higher orbit and extending its life another five years. These plans were preempted when Skylab reentered the atmosphere and disintegrated in 1979.

## 29. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, June 1, 1978, 3:50–6:00 p.m.

### SUBJECT

ASAT Treaty

### PARTICIPANTS

#### *State*

Deputy Secretary Warren  
Christopher  
Leslie Gelb, Director, Bureau of  
Politico-Military Affairs

#### *Defense*

Secretary Harold Brown  
Herbert York, Consultant  
Walter Slocombe, Principal  
Deputy Assistant Secretary  
for International Security  
Affairs

#### *JCS*

General David Jones  
Lt. Gen. William Y. Smith, Special  
Assistant to the Chairman

#### *ACDA*

Director Paul Warnke  
Spurgeon Keeny, Deputy Director  
Ambassador Robert Buchheim

#### *NASA*

Administrator Robert Frosch  
David Williamson, Special  
Assistant

#### *OSTP*

Director Frank Press  
Art Morrissey, Senior Analyst

#### *OMB*

Randy Jayne, Associate Director  
National Security and  
International Affairs

#### *CIA*

Admiral Stansfield Turner  
Sayre Stevens, Deputy Director  
National Foreign Assessment  
Center

#### *White House*

David Aaron (Chairman)

#### *NSC*

Victor Utgoff  
BGen Robert Rosenberg  
Charles Stebbins (Notetaker)

### *Definition of "Hostile Acts," and Whether to Pledge Not to Be the First to Commit Such Acts.*

There was considerable discussion of these issues which resulted in three possible approaches to the Soviets:

*Approach 1:* Propose that the US and Soviets regard intercepts of and physical attacks on satellites of the other side as hostile acts, but wait to gauge Soviet reactions at Helsinki<sup>2</sup> before deciding whether or

<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 95, SCC 082, Space Policy, ASAT Hostile Acts and Tests, 6/1/78. Top Secret; Codeword. The meeting took place in the White House Situation Room.

<sup>2</sup> The United States and the Soviet Union were scheduled to begin ASAT talks in Helsinki, Finland on June 8. See Document 33.

not to seek mutual pledges that neither side will be the first to carry out such acts. (Favored by Defense and JCS and acceptable to State and ACDA.)

*Approach 2:* Same as Option 1, except propose that both sides pledge not to be the first to carry out such acts. (Favored by ACDA, but opposed by JCS. DOD wants to examine further whether this should apply to peacetime only.)

*Approach 3:* Propose that the US and Soviets regard interference (which includes intercepts, physical attacks [*less than 1 line not declassified*] as a hostile act, but make a first-use pledge only for physical attacks. (Favored by State.)

The Interagency Working Group (IAWG) was tasked on a priority basis to study whether a hostile acts and no-first-use agreement ought to apply in wartime as well as peacetime (like the wartime prohibition on the use of poison gas), in particular to determine what such a prohibition would mean operationally to the two sides.

#### *Type of Agreement*

With regard to the type of agreement to be reached with the Soviets on Hostile Acts, there was consensus that we should aim toward constructing a formal agreement in the long term.

However, there was disagreement as to the appropriate form of any interim agreements we might reach. ACDA favored parallel statements covering hostile acts and test cessation, believing this would not require approval by Congress. DOD thought unilateral statements would offer more flexibility.

The Interagency Working Group (IAWG) was tasked on a priority basis to examine what must be avoided in constructing interim agreements in order to ensure that the President can issue a parallel or unilateral statement without having to obtain the consent of Congress. The IAWG is to consult the legal counsels of various agencies as appropriate.

#### *Nature of a Testing Ban*

Again, there was no consensus. Two possible approaches to the Soviets resulted:

*Approach 1:* Informally propose an indefinite moratorium on ASAT tests but with the proviso that either side could give the other six months' notice if it decided it was necessary to commence testing. (Favored by State, ACDA and OSTP.)

*Approach 2:* Informally propose a high-altitude testing ban with the proviso that either side give the other a one-year notice if it is to commence any high-altitude ASAT testing (e.g., above 3000 km). In addition, ask the Soviets to stop their low-altitude testing while ASAT ne-

gotiations are ongoing. State that the US has no immediate plans to conduct low-altitude ASAT testing, but we will give the Soviets six months' notice if the pressures of the current asymmetry favoring the Soviets require us to commence such testing. (Favored by Defense. JCS feels that neither approach has been thought through enough and that proposing any testing suspension at this time would be premature.)

*Treatment of the Space Shuttle*

There was agreement that the US would avoid discussing the Shuttle if at all possible, but if such a discussion can't be avoided, we will not permit the Soviets to designate the Shuttle as an ASAT system.

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### 30. Memorandum of Conversation<sup>1</sup>

Geneva, June 5, 1978, 8:00–10:00 p.m.

SUBJECT

Anti-Satellite Systems

PARTICIPANTS

U.S.

Dr. Herbert F. York

Dr. G.W. Johnson

USSR

Academician A.N. Shchukin

On Monday, June 5, Shchukin entertained Johnson and me and our wives at the USSR Mission in Geneva, Switzerland. The most substantive part of the conversation concerned ASATs.

Shchukin started that part of the conversation by saying he was familiar with ASATs and invited me to ask any questions I wished about them. I started by asking him why the Soviet side had undertaken such a program in the first place. In reply he said that the program simply consisted of experiments whose purpose was to understand the possibilities and that in addition one might want to inspect some satellite up close in order to determine if it was complying with the rules outlawing nuclear weapons in space. At this point I noted we both have developed manned and unmanned systems for rendezvous in space, and he agreed with that. (Neither at this point nor at any other did he once mention the Shuttle). In this same context he also added that there were

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Brown Files—General #1, ASAT Arms Control. Secret; Exdis. The meeting took place at the Soviet Mission. Drafted by York on June 6.



often enthusiasts for particular programs and he cited an entirely different example wherein he had successfully coped with some Colonel who was pushing a pet but dubious idea involving balloons.

The only technical details about their program that he mentioned were in negative terms. He said that at very high altitudes, “where the communications satellites are,” it was too difficult to make an attack. He also said that attacks must be co-orbital for two reasons, first, because it is too difficult and takes too much propellant to make a turn in space, and second because orbits which intersect at large angles mean that one must control both the time and place of intersection very exactly, and that in turn is much more difficult than the ICBM accuracy problem where only the place is important. I noted to myself that these were all accurate statements about the limitation of their current system, but I did not mention that fact to him.

He then asked me “what about direct attacks from the ground?” I asked whether he meant ABMs or lasers, and he replied “yes, lasers.” I commented that we both had a wide variety of laser development programs now under way and that lasers would be harder to verify. He said he agreed.

He said, and I agreed, that both SALT and CTB were more urgent, but in reply to a direct question he stated he personally believed ASATs should be banned.

Also in direct response, he indicated that he was acquainted with Khlestov but that he did not know Mayorskiy and (though I am not sure of this) he seemed not even aware of him.

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### **31. Memorandum From the President’s Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, June 6, 1978

#### **SUBJECT**

US/Soviet Meeting on Anti-Satellite Matters

The SCC met on June 1, 1978, to discuss final preparations for the US/Soviet preliminary meeting on ASAT matters at Helsinki, June

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 95, SCC 082, Space Policy, ASAT Hostile Acts and Tests, 6/1/78. Top Secret; Codeword. Sent for urgent action. Carter initialed the memorandum.

8–18.<sup>2</sup> There is agreement that we should continue to pursue a course of action ultimately leading to as comprehensive a formal agreement as possible, subject to the original constraints you established in your original PD<sup>3</sup>—e.g., dismantling of Soviet ASAT capabilities, emphasis on verifiability, and an end to Soviet testing. However, the Summary of Conclusions at Tab A,<sup>4</sup> as well as Harold's memo at Tab C,<sup>5</sup> demonstrate that there is still considerable interagency disagreement over some of the fundamental issues we intend to initially raise with the Soviets. There is also some concern among several principals that, despite over nine months of study, we do not fully understand the implications of what we intend to propose. The disagreements are summarized below:

*Hostile Acts.* Consistent with the results of an earlier SCC meeting, Cy Vance has told the Soviets that we are interested in an agreement that attacks on each other's satellites would be considered "hostile acts." However, there is interagency disagreement over whether we ought to consider only physical attacks as hostile acts, or interference—a broader term encompassing both physical attacks and electronic warfare (EW). ACDA, DOD and JCS favor the former, State the latter. [1½ lines not declassified]

Physical attacks would be easier to verify than interference, [4 lines not declassified] vulnerability of our fleet. State argues that "interference" is a term already in use in other US/Soviet bilateral agreements (concerning the operation of National Technical Means), and negotiations might prove easier if there is consistency among the various agreements.

*No First-Use Pledge.* ACDA, supported by State, suggested that, to make the talks more meaningful, we ought to propose at Helsinki that both sides pledge not to be the first to attack a satellite of the other side. DOD and JCS prefer to await the results of the Helsinki meeting before deciding whether to propose such a pledge. [3 lines not declassified] Additionally, Harold Brown, who is inclined to favor some non-use pledge in peacetime, has asked for more time to consider whether we want a "no-first-attack" pledge in wartime.

In addition, we do not currently have a good capability to monitor some kinds of ASAT attacks on our satellites, but we could—and probably ought to—substantially improve our monitoring capability over the next several years by installing on-board attack sensors on all our important satellites (long-term costs: \$250–300 M).

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<sup>2</sup> See Document 29.

<sup>3</sup> See Document 24.

<sup>4</sup> See Document 29.

<sup>5</sup> Not attached.

*Type of Agreement to be Reached with the Soviets.* There was general agreement that our ultimate goal was to reach a bilateral (or perhaps multilateral) formal agreement, subject to Congressional ratification. As we proceed serially from talks of an exploratory nature to step-by-step agreements, however, no consensus was reached on the form any interim agreements might take. ACDA favors bilateral parallel statements regarding hostile acts and no first use, which in their view requires no Congressional consent.

*Testing Ban.* This is the most contentious issue—whether and for how long an ASAT testing ban ought to be proposed. The crux of this issue is the existing asymmetry in orbital intercept capabilities. Because our ability to verify the dismantling of the existing Soviet interceptors is poor, a testing suspension could codify the current asymmetry in real capabilities. Nevertheless, there was general agreement that it is important to ban testing now before the Soviets run any high-altitude ASAT tests, because many of our most important satellites are out of reach of the current Soviet orbital interceptor. Several also felt that an immediate ban on low altitude testing is appropriate because the current Soviet interceptors do not seem very good, and because it might be difficult to verify that low altitude testing will not lead to a high altitude capability.

As a result of an earlier SCC, Cy Vance told the Soviets we were interested in a test suspension during the talks. State, OSTP and ACDA favor proposing an indefinite moratorium on ASAT tests, but with the proviso that tests could be commenced with six months' notice. Harold prefers a high-altitude test ban with a one-year "escape clause," and a low-altitude test ban on the Soviets, but with a promise that the US will give them six months' notice if the pressures of the existing asymmetry favoring the Soviets require us to commence such testing. The JCS supports the high-altitude moratorium but opposes any low-level test ban.

## RECOMMENDATIONS

1. In light of the complexity and sharply divergent opinions about how to resolve the fundamental issues, and the fact that we do not have even a hint how the Soviets feel about the ASAT negotiations, I feel the only prudent decision I can recommend at this juncture is that the Helsinki talks be "exploratory" in nature. Harold's memo to you (Tab C) supports this point. Under such an approach the Soviets would be told that we are prepared to explore with them the possibility of: (i) treating physical attacks on satellites [*less than 1 line not declassified*] as hostile acts; (ii) pledging not to conduct such attacks; (iii) placing an indefinite moratorium on high-altitude tests with a one-year right of withdrawal; (iv) placing a six-month moratorium on low-altitude testing while we explore the possibilities for an agreement that will guarantee no significant asymmetries in overall ASAT capabilities.

We would not seek to finalize any agreement at this first meeting. After raising the key points, our objective would be to gauge Soviet reactions—which will give us a better idea of where we go from here.

In the unlikely event the Soviets are interested in coming to any sort of immediate agreement, our Delegation should seek further instructions. We would not put forth concrete proposals until after a substantive review in Washington.

\_\_\_\_\_ Approve, as outlined above and specified in the PD at Tab B.<sup>6</sup>

\_\_\_\_\_ Disapprove, develop specific proposals.

2. Recommend you approve the Summary of Conclusions at Tab A, and sign the PD at Tab B.

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove

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<sup>6</sup> Carter checked the “Approve, as outlined above and specified in the PD at Tab B” option, and wrote “J” in the left-hand margin.

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## 32. Presidential Directive/NSC-39<sup>1</sup>

Washington, June 6, 1978

TO

The Vice President  
The Secretary of State  
The Secretary of Defense  
The Director, Office of Management and Budget  
The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence  
The Administrator, National Aeronautics and Space Administration  
The Director, Office of Science and Technology Policy

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 4, Anti-Satellite System (ASAT): 7/77–10/80. Top Secret. The Department of State transmitted the instructions to the ASAT Delegation in telegram 143176 to Helsinki, June 6. (National Archives, RG 59, Central Foreign Policy File, P840128–2119)

SUBJECT

Instructions to the US Delegation to the ASAT Talks with the Soviets  
Commencing on June 8 in Helsinki (U)

The objective of the upcoming ASAT talks with the Soviets is to express our interest in reaching a comprehensive agreement to limit ASAT capabilities and use (except for electronic countermeasures), to explore possibilities for some initial steps in the ASAT area (described below), and to gauge Soviet interests and reactions.

After making clear that the US is not making formal proposals, the Delegation should state to the Soviets that we are interested in exploring the possibilities for (1) dealing with physical attacks on satellites possibly by treating them as hostile acts, (2) pledging not to conduct such attacks, (3) placing an indefinite moratorium on high-altitude ASAT tests with a one-year right of withdrawal, and (4) placing a six-month moratorium on low-altitude tests while we explore the possibilities for an agreement that will guarantee no significant asymmetries in overall ASAT capabilities.

If the Soviets are interested in coming to an immediate agreement on any of these ideas, the Delegation should report to Washington for further instructions.

In discussing our interest in a comprehensive proposal and our unwillingness to accept a significant asymmetry in ASAT capability, the Delegation may explore with the Soviets the possibility of finding a verifiable means for effectively eliminating their current orbital interceptor capability.

The Delegation should make clear to the Soviets that we intend to seek an ASAT capability as soon as possible unless they are willing to take positive actions to preclude such a move on our part.

Finally, the Delegation should minimize discussions of the space shuttle and under no circumstances allow it to be characterized as an ASAT system.

**Zbigniew Brzezinski**

### 33. Telegram From the Embassy in Finland to the Department of State<sup>1</sup>

Helsinki, June 20, 1978, 0633Z

1926. US ASAT Delegation 0017. Mil addressees handle as Specat. NASA for Krueger. Subject: ASAT Discussions—Review of First Round.

1. ASAT first round held in Helsinki June 8–16, 1978. Instructions to U.S. Delegation transmitted State 143176.<sup>2</sup>

2. The Soviet side came to Helsinki prepared to discuss anti-satellite topics, and gave every indication that they take this subject seriously. They responded as follows to U.S. statements that objective of discussions should be a comprehensive agreement to limit development and retention of ASAT systems and to prohibit attacks on satellites and to U.S. comments on an initial arrangement to prohibit damage or destruction of satellites and to suspend testing of ASAT systems:

—The two sides should use language concerning these talks which would not imply constraining the scope of an eventual agreement to concerns about the safety of satellites; we should talk about threats to any object launched into outer space (including, e.g., objects on interplanetary trajectories) other than ballistic missiles;

—Soviet side argued that the two sides should focus attention initially on developing and putting into force and independent formal agreement prohibiting specified hostile actions against space objects, without conditions as to progress toward or terms of a future comprehensive agreement.

—The Soviet side did not specify unambiguously what (hostile) actions they would seek to prohibit, but they made clear mention of kinds of acts of lesser violence than damage and destruction. In particular, they talked about a prohibition on changing the orbit of a satellite even though the orbit-changing operation left the satellite undamaged, and they mentioned prohibition on unspecified forms of interference.

—The Soviet side reserved their freedom to advocate formulating such an agreement in a way which would permit actions against “unlawful” space objects, although they also said that they were not mentioning their concern about “unlawful” space objects as a pretext for retaining or developing and deploying an anti-satellite system;

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780256–0548. Secret; Immediate; Exdis. Also sent Immediate to the National Security Council, the Secretary of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, and the National Aeronautics and Space Administration.

<sup>2</sup> See footnote 1, Document 32.

—In elaborating their remarks about “unlawful” space objects, the Soviet side mentioned as an example direct-broadcast television satellites directing programs into the territory of a state without the permission of that state. They also mentioned, without explanation, a space object which intrudes into the air space of a state; and there they argued that national air space is part of national territory in which a state has a right to take defensive actions of its own choosing.

—The Soviets acknowledged that they have been doing ASAT testing, but provided no information on their program; and they declined to discuss a test suspension understanding, saying that it was too early to consider such an understanding at this stage in the talks.

—The Soviet side raised in a tentative way in legalistic language the idea of including, in an early agreement prohibiting certain (hostile) acts, a provision against doing things to “enable” carrying out such acts. They mentioned as an example of an act of “enablement” the launching into space of an ASAT device.

—The Soviet side said they need time to consider U.S. views on a comprehensive agreement before they respond, and asked that the U.S. side bring specific proposals to the next round.

3. Soviet side, at first, suggested that an initial “hostile acts agreement” be formulated in a way which would identify certain specified acts as hostile acts and prohibit hostile acts. The U.S. side pointed out that an equivalent alternative approach would be to formulate an agreement in a way which would prohibit those same specified acts, with or without identification of them as hostile acts. The Soviet side listened to this without objection, and, toward the end of the session, began to refer to the acts alluded to as “acts incompatible with peaceful relations between states.” This phraseology was used in the joint press release of June 17, 1978, announcing completion of first round.<sup>3</sup>

4. The U.S. side neither rejected nor accepted the suggestion of the Soviet side that the two sides first develop an initial agreement limited in scope to the prohibition of certain (hostile) acts against objects launched into outer space, but explicitly advocated a two-part initial understanding with the effect of an undertaking; (a) not to carry out certain (hostile) acts against such objects, and (b) not to carry out ASAT tests.

5. The Soviet side neither rejected nor accepted the U.S. view that neither side should acquire new ASAT systems or retain existing ASAT systems. They acknowledged that the U.S. side had put forth that view and they limited their comments to expressions of their view that these

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<sup>3</sup> The text of the press release is in telegram 1900 from Helsinki, June 16; National Archives, RG 59, Central Foreign Policy File, D780251–1157.

are complex matters, that the U.S. side has not described clear and specific ways to implement undertakings to that effect, and that discussion of such undertakings could be pursued after developing an agreement prohibiting certain (hostile) actions.

6. The U.S. side acknowledged comments of the Soviet side to the effect that implementation of agreement to liquidate existing ASAT systems would be complex, particularly in those cases when important component equipments are used as parts of non-ASAT systems as well as parts of an ASAT system. The Soviet side explicitly asked about launch and support facilities and about radio-technical equipment. The U.S. side suggested that adequate and verifiable implementation steps would best be negotiated on a case-by-case basis, starting with a proposal by the side owning the ASAT system in question, and asked the Soviet side if they had any views on steps that it would be appropriate to carry out to eliminate the Soviet ASAT system if an agreement were to provide for such action. The Soviet side made no substantive reply.

7. The Soviet side was silent during plenary meetings on idea of suspension of testing of ASAT systems, and reacted to specific repetition of our idea by restating their view that an understanding to prohibit (hostile) acts against space objects should be the first order of business. The closest they came to referring to a test suspension was by way of mention of the U.S. idea of stopping development of ASAT systems. In meeting in restricted composition, Khlestov said the Soviet side considered it too early to talk about an undertaking to suspend tests. He also expressed hope that, for time being, U.S. would limit discussion of testing suspension to restricted meetings rather than plenaries. Khlestov was told, in restricted meeting, that, if the two sides did get into meaningful discussion of test suspension, U.S. side would propose that high-altitude testing be suspended indefinitely and low-altitude testing be suspended for six months. He was told that line between "high" and "low" was related to altitudes of Soviet ASAT tests to date, without quantitative specification of that line.

8. The U.S. side expressed general interest in being sure we understood what Soviet side had in mind in referring to possible inclusion, in an initial agreement prohibiting hostile acts, of an element which would prohibit "enabling" action such as launching any ASAT device into or through outer space. (If such an agreement element could be realized, clearly prohibiting launching into or through space of ASAT devices, it would have the effect of stopping testing of direct-ascent and orbital-interceptor ASAT systems. This general idea might also lend itself to development into undertakings not to acquire new ASAT devices and/or to liquidate existing ASAT systems. The possibility of elaborating the idea of an agreement to prohibit "enablement" was not pressed further in this round because, when questioned a little more



the day after he raised the idea, Khlestov recoiled into vagueness and clearly was not going to get drawn willingly into saying anything more about it in this round. Indeed, his approach at that time suggested strongly that, if further discussion of the matter were pursued in this round, he would have to make remarks prejudicial to the notion of dealing with “enablement.” Preservation and cautious cultivation of this potential negotiating asset should be a significant aspect of the U.S. approach to the next round.)

9. The Soviet side raised a mixed collection of topics which they will probably drag along for some time for tactical reasons. One was the point noted in para 2, above, about the need to account, somehow, for the contingency of “unlawful” operations through space objects. In response to questions from the U.S. side they chose to say that their concerns of this sort were directed toward possible future capabilities of third countries rather than future behavior of the U.S. or USSR. A second was the inconclusive state of international understanding on the boundary between air space and outer space, and a third was the legitimacy of direct TV broadcasts from satellites. The U.S. side expressed the view that these talks are not an appropriate forum for discussing such matters, and noted that opinions do differ on them. A fourth was the general assertion that a state has the sovereign right to take whatever “self defense” actions it deems appropriate against a space object which intrudes into its air space. (The Soviets might view this simply as a comfortable point to talk about and keep alive in the discussions for some future use, or it might reflect an extravagant assessment of potentialities lurking in space shuttle capabilities, or it might be a retailing of air defense institutional doctrine from Soviet internal discussions. Legalities of sovereignty over air space notwithstanding, not only is it unnecessary but it could be dangerous for the U.S. to agree in general with the Soviet claim that a state has an unfettered right to defend against a space object entering its air space because any defense system with significant capabilities against objects of near-satellite speeds would have substantial ABM potential, and the Soviets ought not be allowed to erect such a system and claim it to be an “air defense” system, free of limitations in the ABM Treaty or any prospective ASAT agreement.)

10. The Soviet side said that in their view it would be a hostile act to change the orbit of the other side’s satellite even though the satellite might not be damaged in the process. The U.S. side expressed the view that changing the orbit of the other side’s satellite, except by agreement between the two sides, should be prohibited. (The U.S. could not go beyond a non-use undertaking on this kind of operation without prejudicing the space shuttle program.)

11. In connection with mention of interference, the Soviet side made vague remarks which might foreshadow their arguing in

subsequent rounds for some kind of prohibition on electronic countermeasures.

12. The Soviet side made frequent explicit and implicit references to the U.S. space shuttle. (They undoubtedly would prefer to exercise the subject of the shuttle rather than their ASAT system; however, the extent of actual Soviet concern, if any, about shuttle use remains to be seen.)

13. The U.S. side said that the U.S. would pursue its own ASAT program as far and as fast as necessary to assure national security, but preferred to avoid an arms race in the ASAT field by appropriate comprehensive agreement.

14. Throughout this round the atmosphere was cordial and discussions were orderly and relevant to the subject. No agreements were reached in this exploratory round, but it seems reasonable to judge that the two sides have similar views of the main characteristics of the subject.

15. Time and place of second round to be agreed through diplomatic channels.

**Ridgway**

### 34. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, November 16, 1978, 8:30–10:00 a.m.

#### SUBJECT

Antisatellite Treaty

#### PARTICIPANTS

##### *State*

Warren Christopher  
Deputy Secretary  
David Gompert Deputy Director,  
Politico-Military Affairs

##### *Defense*

Harold Brown Secretary  
Walter Slocombe Principal Deputy  
Assistant Secretary for  
International Security Affairs  
Herbert York Member, ASAT  
Delegation

##### *ACDA*

Spurgeon Keeny Acting Director  
James Timbie Chief, Strategic  
Affairs Division  
Robert Buchheim Head, ASAT  
Delegation

##### *JCS*

General William Y. Smith  
General David Bradburn Member,  
ASAT Delegation

##### *White House*

David Aaron (Chairman)

##### *NASA*

Robert Frosch Administrator  
David Williamson Assistant for  
Special Projects

##### *NSC*

Victor Utgoff  
Robert Rosenberg  
Charles Stebbins

##### *OSTP*

Frank Press Director  
Arthur Morrissey Senior Analyst

##### *CIA*

Admiral Stansfield Turner  
Sayre Stevens Deputy Director  
National Foreign Assessment  
Center

*Dismantling the Soviet Orbital Interceptor.* All agreed that complete dismantling of the current Soviet ASAT interceptor system could probably not be verified because the interceptors are small and could be easily concealed. Further, some participants felt that if we were to ask the Soviets to eliminate the boosters currently used for their ASAT system, and/or the associated launch facilities, we might have to pay an exorbitant negotiating price, because:

—the SL–11 booster they now use is also used to orbit their ocean reconnaissance satellites; and

—they have some 300 SS–9 boosters which we expect they would want to use in their space program that would have to be verifiably dismantled. (SL–11s are slightly modified SS–9s.)

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 99, Top Secret; Ruff; Talent Keyhole; [codewords not declassified]. The meeting took place in the White House Situation Room.

However, all agreed that we should not yet abandon the dismantling goal; rather the US should listen to and probe any Soviet dismantling procedure that is offered in response to the request we made during the first round of ASAT talks. The US should make no proposals of its own during this next round, since we have not yet found a proposal that would satisfy our concerns, and we must be prepared to live with any proposal we make.

*The Text of an Initial Agreement.* All agreed that an ASAT Treaty would apply during peacetime; however, there were questions whether an agreement should apply during crises or war:

—*During Crises*—OSD and JCS expressed concern that a hostile acts agreement would prevent useful actions against Soviet satellites during crises—[1½ lines not declassified] It was agreed that insofar as treaty language is concerned, crises would be treated no differently than peacetime.

—*During War*—DOD is also concerned that if the treaty language called for the agreement to remain in effect during war, Congress would be more likely to restrict funding for development of a US ASAT capability.

All agreed that the Interagency Working Group, with legal advice, should draft specific alternative formulations of the text of an agreement for discussion at the next SCC meeting.<sup>2</sup>

*Prohibited Acts.* All agree that an initial, hostile acts agreement should prohibit physical attacks on satellites of the other side, and prohibit the unauthorized displacement from orbit of satellites of the other side. Since the US space shuttle is the only near-term system of either side with the ability to displace satellites, and since the Soviets have already expressed their concern about displacement, the US should make maximum use of the negotiating leverage implicit in agreeing to prohibit unauthorized displacement. The US must be careful to ensure that treaty language allows the US shuttle to perform its normal duties (extraction of US satellite from orbit, close inspection, etc.) without such activities being labeled as ASAT testing.

[4 paragraphs (24½ lines) not declassified]

The Interagency Working Group was directed [1½ lines not declassified] for consideration in the next SCC meeting.

*Interim Ban on Testing ASAT Interceptors.* There was insufficient time to fully develop this issue. The agency positions that were expressed are:

—*OSD/JCS*—Prepared to accept an unlimited duration high altitude test ban, leaving to the Soviets to propose the boundary between high and low altitude (per our request during the first round of talks).

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<sup>2</sup> See Document 35.

However, DOD noted that in order to eliminate the current asymmetry in low altitude ASAT capability between the two sides, we should consider the possibility of allowing the U.S. a limited number of low altitude tests. Additionally, DOD fears that adoption of a moratorium on low altitude testing would inhibit funding for the US ASAT interceptor.

—*State/ACDA*—Prefer a full test ban at all altitudes at least until the US ASAT interceptor is ready for testing in FY 81–82. (ACDA leans toward a three-year test ban; State believes a ban should last at least one year.) Such a ban would provide the incentive needed for both sides to work toward a comprehensive agreement, and wouldn't hurt us since we aren't ready to test an interceptor anyway.

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### 35. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, January 18, 1979, 10:30 a.m.–12:00 p.m.

#### SUBJECT

Antisatellite Treaty

#### PARTICIPANTS

##### *State*

Warren Christopher  
Deputy Secretary  
David Gompert Deputy Director,  
Politico-Military Affairs

##### *Defense*

Harold Brown Secretary  
Herbert York Member, ASAT  
Delegation

##### *ACDA*

Spurgeon Keeny Deputy Director  
James Timbie Chief, Strategic  
Affairs Division  
Robert Buchheim Head, ASAT  
Delegation

##### *JCS*

General William Smith  
General David Bradburn Member,  
ASAT Delegation

##### *White House*

David Aaron (Chairman)

##### *NASA*

Robert Frosch Administrator  
Philip Culbertson Member, ASAT  
Delegation

##### *NSC*

Victor Utgoff  
Robert Rosenberg  
Charles Stebbins

##### *OSTP*

Frank Press Director  
Arthur Morrissey Senior Analyst

##### *CIA*

John Hicks Deputy Director for  
National Foreign Assessment  
Evan Hineman Director, Office of  
Weapons Intelligence

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 21, PD/NSC-45. Top Secret; Ruff; [codewords not declassified]. The meeting took place in the White House Situation Room.

*General*

All agreed that we should not use the term “hostile act” in an ASAT agreement with the Soviets, because the term is legally equivalent to an “act of war”, and we would not want to feel obliged to go to war over a breach of the agreement. Rather, the treaty language should involve “prohibitions” against certain acts. (S)

All agreed that the ultimate goal of the ASAT talks should continue to be the conclusion of a comprehensive ASAT agreement with the Soviets. (TS)

All agreed that despite serious reservations about finding a verifiable scheme for effectively dismantling the Soviet orbital interceptor, the US should continue to argue in favor of its dismantling, and listen to and probe any Soviet proposal for doing so. (We requested such a proposal at ASAT I.) (TS/R [*less than 1 line not declassified*])

All agreed that our talks with the Soviets should continue to be informal until it becomes clear that we and the Soviets have a good understanding of each other’s negotiating aims. (S)

[2 paragraphs (12 lines) not declassified]

[2 paragraphs (11½ lines) not declassified]

*Test Suspension*

During round 1 of the ASAT talks, in an off the record meeting between the heads of the two delegations, we suggested an indefinite duration ban on high altitude testing, plus a six-month ban on low altitude testing. There remains some support (DOD, OSTP) for staying with this position until we can gauge Soviet reaction to it. However, OSD and JCS would prefer an indefinite duration high altitude test ban (to protect our DSP and other satellites whose loss could be very serious), with no ban on low altitude testing (to avoid difficulties in obtaining funding from the Congress for our ASAT programs). OSD and JCS are concerned that a low altitude test moratorium would perpetuate the current asymmetry in interceptor capabilities favoring the Soviets, and that even if the Soviets stop testing their current system, they would have a substantial breakout capability. OSD also feels that unless we pursue our own ASAT program, including low altitude testing, we would have no leverage over the long term to encourage the Soviets to dismantle their orbital interceptor and get the two sides down to “zero capability” postures. (TS/R [*less than 1 line not declassified*])

State would prefer a one-year ban on testing at all altitudes to give us more time to settle our in-house differences, and to avoid our getting so bogged down with the Soviets in technical details that we might not be able to reach any kind of an agreement, at least in the near term. ACDA supports the State position, but would have the ban last two years. ACDA feels that the Soviets would be the only ones really af-

fectured by such a ban, since the US will not be ready to test its interceptor for several years. (TS)

There is a difference of opinion whether a test ban should apply only to interceptors [*less than 1 line not declassified*] other ASAT systems. ACDA feels that the test ban should apply to any system that can carry out the acts that are to be specifically prohibited in the initial agreement. NASA fears that ACDA's test ban formulation would inhibit our using the Space Shuttle to retrieve our own satellites from orbit, since retrieval would technically constitute an ASAT test. OSTP cautions that the ACDA-favored test ban would have to be worded to permit the Shuttle to perform certain safety functions. [*3½ lines not declassified*] OSD and JCS want a test ban against interceptors only, because of the Shuttle and verifiability problems. (TS/R [*less than 1 line not declassified*])

*The Boundary Between High and Low Altitude Testing*

ACDA and State prefer to see no altitude distinction in a test ban; however, all agreed that if there is to be such a distinction, the ban should be based on system capability rather than target altitude. This would, for example, prevent the Soviets from mating their current interceptor with a larger booster and testing it at low altitude, since under the system capability formulation, the larger booster would render the interceptor *capable* of a high altitude intercept. (TS)

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**36. Memorandum From the Deputy Director of the Arms Control and Disarmament Agency (Keeny) to the President's Deputy Assistant for National Security Affairs (Aaron)<sup>1</sup>**

Washington, January 18, 1979

SUBJECT

ASAT Instructions

Following up on today's SCC meeting,<sup>2</sup> I have a number of comments on the relative priorities of the issues which may be useful to you in framing these issues for the President.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 100, SCC 125, ASAT, 1/18/79. Secret.

<sup>2</sup> See Document 35.

*Testing.* The Presidential Directive<sup>3</sup> we are operating under calls for the prompt end of Soviet ASAT testing as the first order of business. Any proposal, such as the one Defense recommends, which would not halt Soviet testing is such a departure from the President's original objectives that it would call into question what we are trying to accomplish. Moreover, I believe that making a distinction between high- and low-altitude testing would introduce serious and unnecessary problems, which a temporary test suspension for all altitudes would avoid. You will recall that PRM-23<sup>4</sup> contained an option to ban only high-altitude ASAT systems, and that was not the one the President picked.

*Laser ASAT systems.* The suggestion that we might permit laser ASAT testing to go forward without restriction also raised fundamental questions as to what we are trying to accomplish in these talks. In the past, we have been careful to characterize the ASAT limits we seek in general terms with no reference to any particular means for attacking satellites. This policy should be continued. We have a system to monitor tests [2 lines not declassified] For the future, we have the technology to build space-based systems to monitor Soviet laser tests against satellites, but no present plan to do so. I believe that we should define what additional intelligence collection assets would be needed to monitor a ban on laser ASAT tests.

*Interference.* While I believe that a ban on interference with the technical operation of satellites would be desirable for an ASAT agreement, I do not believe that this issue is as fundamental as the issues discussed above which raise questions as to whether or not we are in fact negotiating in the direction envisaged in the original Presidential Directive.

Spurgeon M. Keeny, Jr.<sup>5</sup>

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<sup>3</sup> See Document 24.

<sup>4</sup> See Document 2.

<sup>5</sup> Keeny signed "S.M. Keeny Jr." above this typed signature.



**37. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, January 22, 1979

SUBJECT

Instructions to the Delegation to the 2nd Round of ASAT Talks (U)

We are scheduled to begin the second round of ASAT talks with the Soviets on January 23 in Bern. In preparation for this meeting the SCC met on January 18.<sup>2</sup> In this meeting the SCC agreed that our strategy should be to continue to explore potential areas of agreement on an informal basis until the main elements of a reasonable initial agreement seem fairly clear to both sides. When this situation has been reached—and it may not take long—we would make a formal proposal. Staying informal makes talking with the Soviets somewhat easier: there are several issues the Soviets owe us a response on, and this approach presents the smallest risk that we will generate a formal Soviet rejection which would reflect badly on SALT. (TS)

In the first round of talks, the Soviets suggested that we negotiate an initial agreement banning damage, destruction or unauthorized displacement of the other side's satellites—an agreement that would stand independent of the success or failure of any following negotiations on other ASAT issues. Following instructions, the Delegation responded that any initial agreement should also include a moratorium on ASAT tests. (S)

Since the end of round one, the SCC's discussions have thus concentrated on the question of what should be included in an initial agreement and how such an agreement should be linked to continued negotiations toward dismantling and the comprehensive limits on ASAT testing, deployment, and use that you originally set as our goals. (TS)

We could negotiate an initial agreement banning just damage, destruction, and unauthorized displacement but this approach, in addition to allowing Soviet testing to continue, may not take full advantage of the bargaining capital inherent in the Soviets' demonstrated concern that we might consider displacing some of their satellites with the

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 21, PD/NSC-45. Top Secret. In the upper right-hand corner, Carter wrote "Zbig. J."

<sup>2</sup> See Document 35.

space shuttle. The SCC thus believes we should continue to try to achieve more in the initial agreement than the Soviets have proposed—and has been able to agree that at a minimum, the initial agreement should include a ban on testing high altitude ASAT interceptors. On several other issues, however, we have not been able to agree, so you will have to resolve our differences. (TS)

*Low Altitude ASAT Interceptor Testing*

In round one, we attempted to raise the testing suspension idea with the Soviets and were told that they were not ready to discuss testing. Later in a private meeting with the head of the Soviet Delegation, Ambassador Warnke, described our original idea of an indefinite high altitude test suspension and a six-month moratorium on testing at low altitudes, but this suggestion is not yet part of the record. (TS)

In this next round we will probe the Soviet reaction to our suggestion. But we need to decide whether to stay with our earlier suggestion, or change to some other formulation as suggested in the SCC. (TS)

ACDA and State argue that we should pursue a testing suspension that doesn't discriminate between high and low altitudes—ACDA believes the suspension should last two years; State proposes only one year. Both argue that a testing suspension that covers all altitudes will be easier both to negotiate and to verify, and that such a suspension would only impact on the Soviets since we aren't scheduled to begin testing our miniature homing vehicle ASAT until 1981. (TS)

JCS and OSD prefer no low altitude test suspension at all. They believe that the current asymmetry in ASAT interceptor capabilities is unacceptable, and are pessimistic about the prospects for identifying and negotiating verifiable arrangements for eliminating the current Soviet orbital interceptor—they see the testing of our MHV system as the only way to eliminate the asymmetry. They further believe that a satisfactory way to draw an altitude distinction can be identified and negotiated without much difficulty, and that even a short suspension of low altitude testing will inhibit Congressional funding for our ASAT development program. Finally, they believe that there will be significant pressures to extend such a suspension later, thereby perpetuating the asymmetry. (TS)

I believe that a one-year moratorium is the best position for this round of talks, primarily because it can be quickly negotiated if the Soviets are willing to shut off their testing. While it would be nice to be able to include an indefinite ban on high-altitude testing in an initial agreement, our studies suggest that drawing a meaningful distinction between high and low altitudes is a complex proposition. (TS)

*Your Decision:*

- \_\_\_\_\_ No low-altitude suspension; indefinite high (DOD)
- \_\_\_\_\_ One-year suspension at all altitudes (State, NSC)<sup>3</sup>
- \_\_\_\_\_ Two-year suspension at all altitudes (ACDA) (S)

[5 paragraphs (60 lines) not declassified]

*Coverage of the Testing Suspension*

ACDA and State believe that any test ban or suspension should cover tests of ASAT systems rather than ASAT interceptors. They are particularly interested in stopping possible tests of high energy laser ASAT systems. (TS)

NASA is against such broad coverage because it could be interpreted as including testing of systems for displacing satellites, and thus would cause trouble for our plans to use the Space Shuttle to retrieve our own satellites from orbit. [2 lines not declassified] (TS)

DOD and I believe that the test suspension should only cover ASAT interceptors because of the verification and shuttle problems. It seems clear, however, that the pursuit of limits on high energy laser ASAT applications should get high priority in follow-on negotiations. (TS)<sup>4</sup>

*Your Decision:*

- \_\_\_\_\_ Cover tests of ASAT interceptors only (DOD, NSC, NASA)<sup>5</sup>
- \_\_\_\_\_ Cover tests of all ASAT systems (ACDA, State)

At Tab A is a draft set of instructions to the Delegation reflecting my recommendations on the above issues. (U)

*RECOMMENDATION*

That you approve my issuing instructions of the form given at Tab A, suitably modified to reflect the above decisions. (U)<sup>6</sup>

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<sup>3</sup> Carter checked this option and initialed "J" after the sentence.

<sup>4</sup> Carter underlined the phrase "should get high priority in follow-on negotiations" in this paragraph.

<sup>5</sup> Carter checked this option, and drew an arrow to the previous paragraph and wrote "Let this be known to Soviets."

<sup>6</sup> Carter approved this option and underlined the words "suitably modified" in this paragraph.

**38. Presidential Directive/NSC-45<sup>1</sup>**

Washington, January 22, 1979

TO

The Vice President  
 The Secretary of State  
 The Secretary of Defense  
 The Director, Office of Management and Budget  
 The Director, Arms Control and Disarmament Agency  
 The Chairman, Joint Chiefs of Staff  
 The Director of Central Intelligence  
 The Administrator, National Aeronautics and Space Administration  
 The Director, Office of Science and Technology Policy

SUBJECT

Instructions to the US Delegation to the ASAT Talks with the Soviets  
 Commencing January 23 in Bern (U)

The objectives of the second round of ASAT talks with the Soviets are:

—To seek clarification of Soviet views regarding the possibilities for (1) finding a verifiable means for effectively eliminating their current orbital interceptor capability, and (2) suspending ASAT interceptor testing. (S)

—To continue informal discussions aimed at identifying and clarifying areas of mutual understanding that might be codified in an initial ASAT agreement. (U)

In discussing the question of dismantling, you may draw on the ideas contained in the interagency study.<sup>2</sup> However, you must make it absolutely clear that any suggestions you make in no way constitute a proposal. (U)

In discussing the issue of a testing suspension, you should informally suggest a one-year suspension of testing at all altitudes. You should also make it clear to the Soviets that investigating the possibility of limits on high energy laser ASAT applications should get high priority in future talks. (S)

After discussing these specific issues with the Soviets, you should send me your assessment of the Soviets' interest in negotiating a two-part initial agreement consisting of a ban on damage, destruction, and unauthorized displacement of each other's satellites, plus a

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<sup>1</sup> Source: Central Intelligence Agency, Office of the Director of Central Intelligence, Job 81B00112R, Subject Files, Box 16, Folder 8: (SCC) ASAT. Top Secret.

<sup>2</sup> See Document 6.

one-year suspension of ASAT interceptor testing. Except for the changes implied by the above instructions, the instructions for the first round remain in force. (TS)

**Zbigniew Brzezinski**

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**39. Telegram From the Embassy in Switzerland to the  
Department of State<sup>1</sup>**

Bern, January 25, 1979, 1350Z

453. US ASAT Two 004. From Buchheim. Mil addresses handle as Specat. NASA for Krueger. Subject: (U) ASAT Two Meetings, January 24, 1979.

1. (U) First plenary meeting of ASAT Two opened 3:00 pm, January 24, 1979, at U.S. Embassy, Bern.

2. (U) Ambassador Khlestov declined offer to take floor first, deferring to Ambassador Buchheim as host. Buchheim's statement ASAT Two-003 (Bern 044).<sup>2</sup>

3. (S) Khlestov, referring to prepared text, stated that we have started bilateral negotiations on subject of anti-satellite systems and activities. This he characterized as a further positive development from preliminary consultations in June and as representing a higher and more responsible level of contact between our two countries. He expressed praise for Paul Warnke as one of initiators of the negotiations and noted with satisfaction that the leadership of the U.S. Delegation has now been entrusted to Buchheim.

4. (S) Khlestov said he had been glad to hear in Buchheim's statement that U.S. is interested in an elaboration of the measures the sides are studying, which is the premise from which the Soviet side also pro-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790037–0612. Secret; Immediate; Exdis. Sent for information Immediate to the National Security Council, the Secretary of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, and the National Aeronautics and Space Administration.

<sup>2</sup> Telegram 440 from Bern, January 25, reported Buchheim's statement at the January 24 ASAT II plenary, in which he emphasized Washington's desire to work with Moscow to limit anti-satellite weapons systems and activities and urged that an agreement be made that devised "practical measures to prevent an arms competition in outer space and thus to head off the known and unknown adverse consequences that could flow from such a competition." (National Archives, RG 59, Central Foreign Policy File, D790037–0035)

ceeds. He observed that the extensive consultations in Helsinki<sup>3</sup> had familiarized the sides with each other's positions and sketched the general outlines of the problem. While not all elements had come through clearly in Helsinki, the Soviet side's main conclusion was that positions of both sides coincide on a number of points and that both sides are striving toward a more complete understanding of each other's views. Khlestov said he had so summarized in Moscow the results of the June session and that this report had met with a positive response.

5. (S) Khlestov said that, although a direction and common approach had emerged as a result of the Helsinki discussions, providing a basis for joint work, there still remain points to be clarified. Khlestov recalled that in Helsinki there had been problems with some elements of the US view which lacked clarity and others which were incomprehensible. The Soviet side is proceeding from the premise that the work of the session in Bern must lead to concrete, practical results and achieve specific and tangible forward movement. In order to effectively work toward this goal, Khlestov suggested that the sides should first work out definitions of terminology, as well as details and nuances of the issues.

6. (S) Khlestov repeated that Soviet side is most serious and will apply every effort to achieve concrete results in this session.

7. (S) Buchheim expressed interest in Khlestov's suggestion that certain terminology should be clarified and asked whether Khlestov had a list of terms to suggest. Khlestov replied that he did not wish to enumerate at this time all the terms which need elucidation. However, noting again Soviet goal of achieving concrete results and necessity for defining terms as first step toward this end, he offered following formulation for defining "space objects", calling it "a preliminary set of ideas" for further discussion. The term "space objects" includes the class of objects placed into orbit around earth or launched further into outer space, and in relationship to which one side is the state of registration under the 1975 Registration Convention.<sup>4</sup> The term "space objects" includes the component parts of space objects, their means of delivery and its parts.

8. (S) Khlestov explained that this formulation reflected the Soviet desire to find objective criteria, based upon the 1975 Conventions to which both sides are parties, which would cover all space objects. He

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<sup>3</sup> See Document 33.

<sup>4</sup> The Convention on Registration of Objects Launched into Outer Space was promulgated by the 37-member United Nations Committee on the Peaceful Uses of Outer Space on January 14, 1975; the United States Ambassador to the UN, John Scali, signed it ten days later. Scali's statement is published in the Department of State *Bulletin*, February 17, 1975, p. 232.

added that the Soviets had also tried to use the language of the outer space treaty.<sup>5</sup> As points of reference, he cited Article I, Paragraph B, of the 1975 Registration Convention and Article I, Paragraph D, of the Liability Convention.<sup>6</sup> Khlestov expressed the view that it would be easier to use a formulation already internationally tested and based upon language in legal instruments which both sides have signed.

9. (S) After first recalling the Soviet side's preference for language characterizing certain acts as incompatible with peaceful relations between states rather than as hostile acts, Khlestov suggested in a preliminary way the following definition of which acts would be regarded as "hostile acts": a hostile act is an act which the sides regard as a deliberate action upon a space object by any system or means, either in space or on the ground, which can lead to the destruction of a space object, its displacement from orbit, damage to it, or rendering unserviceable its onboard equipment.

10. (S) Khlestov repeated several times that these two definitions were purely preliminary attempts and not the final position of the Soviet side, and said that the sides together can arrive at more precisely formulated definitions. He suggested that U.S. Delegation formulate its own versions of definitions, and also requested Buchheim's preliminary views on those Khlestov had just read. Buchheim stated that he would not address Khlestov's preliminary formulations today but agreed that a productive way to begin these talks would be to pursue a clearer understanding of these two terms and, in the process, expose areas of early agreement, as well as areas the sides will have to argue about a little more. Buchheim and Khlestov agreed that next meeting would include discussion of those two terms.

11. (S) (A) Immediately following the plenary, Buchheim and Khlestov met, with Bradburn, Desimone, Mayorskiy, and interpreters present. It was agreed that the second plenary meeting would be on Friday, January 26, 1979, at 3:00 pm, at Soviet Embassy.

(B) Referring to the definitions discussed during the plenary meeting, Buchheim informed Khlestov that the U.S. side has studied

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<sup>5</sup> The United States, the United Kingdom, and the Soviet Union signed the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, on January 27, 1967, and it entered into force on October 10, 1967. The Treaty prohibited the placement of nuclear weapons and other weapons of mass destruction on the moon and other celestial bodies, in orbit around the earth, or otherwise stationing them in outer space. Testing of such weapons on the moon and in outer space was also prohibited. The text of the Treaty is in Department of State *Bulletin*, December 26, 1966, pp. 953–954.

<sup>6</sup> UN Resolution 2777 (XXVI) creating the Convention on International Liability for Damage Caused by Space Objects was adopted by the General Assembly on March 29, 1972.

further the desirability of using the term “hostile acts”, and reminded Khlestov that at Helsinki the U.S. side had mentioned two possible approaches, i.e., either (a) to simply list acts which the two sides would undertake not to carry out against a space object belonging to the other side, or (b) to list acts which should not be carried out against a space object of the other side, and label them as “hostile acts” or as “acts incompatible with peaceful relations,” or identify them with some other label. Following a longish discussion of the two approaches, both sides agreed to be prepared to address these alternatives at the next plenary meeting.

(C) Khlestov suggested that terminology formulations should be submitted in writing to make future work easier. He added that, since Moscow, and presumably Washington as well, were keeping an eye on the Delegations, such written contributions should be treated as informal working papers only and not as proposals or as documents formally tabled.

(D) Buchheim then asked, as a procedural question, whether Khlestov still wished to limit to private meetings discussion of the question of suspending ASAT interceptor tests, as he had preferred in Helsinki, or if this subject could now be raised in plenary meetings. Khlestov replied that it could be raised in either forum. Buchheim said that he would advise Khlestov in advance before raising the issue in plenary. Khlestov expressed appreciation for this courtesy.

(E) Khlestov promised working texts on “hostile acts” and “acts incompatible with peaceful relations between states” at the next plenary and expressed his hope that the U.S. Delegation would be similarly prepared.

(F) Khlestov asked why U.S. had proposed Bern as site for this round. Buchheim said USG had considered several possibilities and had concluded Bern to be most appropriate for this round.

12. (S) Comment. Khlestov’s approach to definition of “space object” (para 7 above) contains same substance as suggestion by Soviet side in Helsinki concerning the things against which each party would undertake not to carry out certain acts, that is, any object belonging to the other party which is in earth orbit or in a super-orbital trajectory, e.g., interplanetary probes, but not ballistic missiles. Our understanding is that the ASAT working group recorded interagency consensus in favor of such an approach. Unless advised otherwise by Washington, we will, in further discussions with Soviet side on scope of definition, adopt the view that an undertaking not to carry out certain acts would be an undertaking not to carry out such acts against objects in earth orbit and objects on trajectories more energetic than earth orbits, including interplanetary trajectories. In this regard, we assume that word “satellites” in phrase “ban on damage, destruction, and unauthorized



displacement of each other's satellites" in State 017665<sup>7</sup> is intended to be construed in this more comprehensive way as to the trajectories of objects that are not to be attacked. (End comment).

Warner

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<sup>7</sup> Not found.

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**40. Memorandum From the Assistant Secretary of Defense for International Security Affaris (Slocombe) to Secretary of Defense Brown<sup>1</sup>**

Washington, February 1, 1979

SUBJECT

PD-45/ASAT Negotiations—ACTION MEMORANDUM

Attached is PD-45,<sup>2</sup> which I assume you've seen, setting forth this round's instructions for the ASAT negotiations. Substantively, DoD seems to have won on interference and lost on testing. More than usual, however, the instructions are something of a surprise, given the substance of the meeting, and deserve some comment.

1. *Testing*: The approach of a one-year ban with no distinction between high and low altitude satellites may make sense if one is trying to reach quick agreement with the Soviets in order to bolster SALT ratification prospects (although it could backfire with Senators concerned about US-USSR military asymmetries). Herb York has also argued, perhaps correctly, that a test ban of sufficient duration would be to the United States' advantage. A one-year ban, however, immediately raises the question of renewal. If we do think it desirable to go ahead with MHV testing in mid-1981, we will need to make the case soon as to why that is so. Otherwise, we are likely to find that what is formally a one-year ban will be continuously extended. Even the prospect of such

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 50, ASAT. Top Secret. The memorandum is stamped "SECDEF Has Seen 8 Feb 1979."

<sup>2</sup> See Document 38.

renewal could present problems, as we are learning in SALT (with Protocol) and CTB.

The Delegation has been instructed to report back on the Soviet response to our proposals. An appropriate time to raise the renewal question would be when we see their response.

2. *Dismantling*: I thought we had closed this issue out, but it seems to have raised its head again. The first ASAT SCC for this round decided that the US should listen to and probe Soviet proposals for dismantling the orbital ASAT but not make proposals of our own since “we have not found a proposal that would satisfy our concerns, and we must be prepared to live with any proposal we made.” However, in order to draw the Soviets out on dismantling their orbital ASAT, the PD as written allows the Delegation to “draw on the ideas contained in the interagency study” and make dismantling “suggestions.” The Delegation also is to make clear that it is not making any dismantling “proposals.”

The PD’s statement on US suggestions (which, I am fairly sure, reflects an NSC staff decision) formally adheres to, but in practice may reverse, the SCC conclusion since the interagency study referred to is in reality an ACDA paper whose suggestions were the ones that did not satisfy the SCC’s concerns. Buchheim is an able negotiator, however, so I really don’t expect anything untoward will happen in Berne. Nonetheless, we should take action in Washington to reestablish the SCC conclusion (perhaps doing this also in the context of any discussion about the Soviet response to our proposals).

3. *Lasers*: The PD—reflecting, we are told, the President’s personal initiative—says that the Delegation should make it clear to the Soviets that investigating the possibility of limits on high energy laser ASAT applications should get high priority in future talks. While, in the abstract, I have no quarrel with “investigating” this, there is reason to believe that limitations on laser ASAT applications will be difficult to construct. For this reason, the interagency ASAT working group had agreed not to discuss lasers with the Soviets. Given the President’s interest, I think it would be wise for DoD to move out smartly on seeing whether something can be done, especially in light of our and Soviet non-ASAT laser programs. From DoD’s point of view, there are substantial arguments for continuing our laser R&D programs as an ASAT hedge and for non-ASAT applications and substantial doubts about the verifiability of any limits on lasers for ASAT use. Clearly, others disagree, at least at this point. Accordingly, if you agree, I will arrange with Bill Perry to (1) survey US and Soviet current and planned laser programs, (2) provide a menu of choices and costs (especially impacts on those programs) necessary to get an effective ASAT laser limitation, and (3) analyze monitoring/verification issues relevant to possible

ASAT laser limitations. We would then have the basis for analyzing specific proposals in the interagency group.

**Walter Slocombe**

*Principal Deputy Assistant Secretary of Defense  
International Security Affairs*

Agree: \_\_\_\_\_<sup>3</sup>

Other: \_\_\_\_\_

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<sup>3</sup> Brown wrote "HB 2/8" in the "Agree" option.

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#### **41. Telegram From the Embassy in Switzerland to the Department of State<sup>1</sup>**

Bern, February 7, 1979, 0803Z

720. US ASAT Two 019. From Buchheim. Mil addressees handle as Specat. NASA for Krueger. Subject: (U) ASAT Two Plenary Meeting, February 6, 1979 (Secret—Entire Text).

1. Begin summary: During three hour meeting at Soviet Embassy, Khlestov asked, and Buchheim responded to, a number of questions on U.S. ideas for an initial agreement. Most of the questions concerned the details of the test-suspension idea. In addition to questions on the internals of text, Soviets wanted to know when one-year period would start, and whether agreement would be written so as automatically to continue or to lapse at end of one year. Buchheim emphasized that we were discussing concept of an initial agreement, that a prohibition on damage or destruction covered any means for doing so, and noted need for discussion in the future of limiting ground-based lasers and other kinds of anti-satellite systems not covered in initial agreement. End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790058–0061. Secret; Immediate; Exdis. Sent for information Immediate to the National Security Council, the Secretary of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, and the National Aeronautics and Space Administration.

2. Khlestov said preliminary discussions of U.S. texts at last meeting (see ASAT Two 016, Bern 678)<sup>2</sup> had helped SovDel to understand better U.S. ideas, however, they had more questions.

3. Khlestov said that in the Soviet text given to the U.S. (see ASAT Two 005, Bern 528)<sup>3</sup> there were the qualifying words "acts incompatible with peaceful relations between states." He recalled that Buchheim had said some such qualifying words could be included in a preamble, but U.S. text did not contain such language. He wanted to know if U.S. side considered it possible and necessary to have a preamble, if so, what its contents should be, and whether they could include some qualifying words—either "acts incompatible with peaceful relations between states" or some other. Buchheim said the U.S. side had no objection, in principle, to a preamble and some such words could be in one.

4. Khlestov said that a second question concerned possible concluding sections of an agreement, such as listing the official languages of the agreement and the place of signing. They would also contain the date that the agreement would come into force. The obligation not to text could extend: (I) 12 months from date of signing; (II) 12 months from the exchange of instruments of ratification. The difference between the two commencement dates could be three, four, five months. He said he would like to know the U.S. point of view. Buchheim said this was a question on which he would need instructions and that, if Khlestov felt that the discussion was at a point where he should ask for such instructions, he would do so. Khlestov said he wanted to better understand the essence of the U.S. idea. Buchheim said he would ask for instructions on that basis.

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<sup>2</sup> Telegram 678 from Bern, February 3, reported that the ASAT Delegation presented the Soviet Delegation with the text of a Non-Paper consisting of two "elements" for discussion. The first proposed that the two sides pledge "not to destroy, damage, or change the trajectory of an object which has been placed in orbit around the earth." The second proposed that the two sides issue a moratorium on the launching of "for test or any other purpose, an interceptor missile for the destroying or damaging objects which have been placed in orbit around the earth or any other trajectories into outer space" from the date of the signing of an ASAT agreement. Khlestov questioned both elements, including how such objects would be identified and what the U.S. meant by the phrase "not to destroy, damage . . . any object." (National Archives, RG 59, Central Foreign Policy File, D790053-0273)

<sup>3</sup> Telegram 528 from Bern, January 27, reported that Khlestov had submitted "tentative Soviet views on defining space objects, and listing of actions which would be prohibited or inconsistent with peaceful relations between states." Buchheim replied that the United States "was not thinking of formal proposals but was presenting a possible alternative approach which does not use the term 'space object' and 'hostile acts' and which therefore does not rely on definitions." (National Archives, RG 59, Central Foreign Policy File, D790055-0375)

5. Khlestov's next question referred to Buchheim's statement (ASAT Two 015 Bern 665)<sup>4</sup> that the U.S. envisioned the two sides would, prior to expiration of the 12-month text suspension, meet to discuss these matters further and take appropriate decisions. He requested clarification of the U.S. views on this matter with respect to the two possible interpretations: Does the U.S. believe that an agreement which would be in effect for a specific period of time would lapse when that period was over; or does the U.S. have the view that the agreement would only lapse if the two sides met and agreed not to extend it? Buchheim responded that the U.S. had no fixed views on the matter. He said the U.S. side was talking about an initial undertaking on testing lasting for 12 months during which time the two sides should decide whether to continue, to extend, or to change the agreement, and that we favored maximum flexibility in consultations during this 12-month period. He said further that he believed that an initial agreement should be case in terms that envision further discussions or agreements by the parties on these matters, and that it should provide as much flexibility in consultations as seems reasonable. He noted that Khlestov's question envisions the possibility that an article might specify that a text suspension would continue or lapse depending on what the parties in consultation agree concerning the text suspension or any other matters or undertakings. He then asked Khlestov's views on whether the suspension should automatically lapse if the parties don't agree to continue it or would the suspension continue until the parties do agree to terminate it. The U.S. has no fixed views on this, he said. Khlestov said that he had drawn two conclusions from Buchheim's presentation: First, that a mechanism for further consideration of this matter had been more carefully worked out by the U.S. side than by the Soviets, and second, that the future fate of a test suspension following the 12-month period must be more precisely formulated. Buchheim said that a perfectly acceptable mechanism to consider the matter further is these two Delegations. Khlestov asked for Buchheim's thoughts on paper. Buchheim agreed to do so but said the thoughts would not be complicated; they would be that the parties consider the matter during the one-year period under whatever mechanism the two sides prefer.

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<sup>4</sup> Telegram 665 from Bern, February 2, reported on a two-hour plenary session held a day earlier at the Soviet embassy. The two sides discussed "possible prohibited actions; expressed view that potential agreement should cover those launch vehicle states and component parts which go into orbit; and agreed that a potential agreement should cover objects on surface of moon and other celestial bodies." The Soviets also "requested list of specific actions U.S. would favor prohibiting" and expressed the need for "provisions" that would "cover inadvertent actions and to take into account of changes, advances in technology." Buchheim in return suggested a "one-year all-altitude test suspension." (National Archives, RG 59, Central Foreign Policy File, D790050-1268)

6. Khlestov describing difficulties SovDel had had in understanding U.S. side's text on test suspension, then asked whether the words of that preliminary text, "... interceptor missile for destroying or damaging ..." were intended to describe the type of interceptor missiles the sides would agree not to launch, or to describe the purposes of those launches that were not to be made. Buchheim said the purpose of the phrase was to be descriptive of the type of interceptor, not of the purpose of the launch, and the U.S. would consider the question of whether the English text should be changed.

7. Khlestov then asked what objects were included in the scope of the words "interceptor missiles." Buchheim said an interceptor missile is a missile, device, rocket, or vehicle—or any other appropriate word—which has as its purpose to strike or to come close enough to a target object to damage or destroy that object, by whatever mechanism of damage is built into it. In discussion it was clarified that the term referred to devices that approach their targets from orbit, by direct ascent, or in any other way.

8. Khlestov asked about the meaning of the words "for any other purposes" in the text suspension text which reads "not to launch, for text or any other purposes, an interceptor missile..." Buchheim explained that the objective is to suspend anti-satellite system tests; the implementation of that objective is to suspend launches for any purposes, such as training, which could provide test information and that "not to launch" with no reference to testing would be sufficient, but that the longer phrase used seemed more appropriate. Khlestov concluded that the U.S. text's meaning was that interceptor missiles should not be launched at all.

9. Khlestov then asked whether the notion of an "interceptor missile" included both the device and its launch vehicle, that is whether, under the text suspension, only launches of the launch vehicle with the device on it would be banned, or whether launches of the launch vehicle without the device would also be banned. Buchheim explained that in the U.S. view only launches with the device would be banned.

10. Khlestov asked why the U.S. text concerning prohibited acts, like the Soviet text, called for obligations "not to destroy, damage or change the trajectory", while the U.S. text on test suspension applied only to interceptor missiles designed to destroy or damage and did not cover means of changing a trajectory. Why was the scope of the second text narrower than that of the first? Buchheim said he would answer the question more fully than it has been asked: there were two aspects to the differences in scope between the two texts. First element of U.S. text contains idea of undertaking not to destroy or damage the kinds of objects described, by any means. The U.S. side did not use the words "by any means" since it seemed inherent that a pledge not to do any-

thing meant by any means. The second element of U.S. text (test suspension) does not include all possible means for damage or destruction of an object. Buchheim said he did not believe it revealed any mysteries to either side to note that bringing an interceptor missile into the vicinity of an object for damage or destruction is only one means for carrying out such an act. He said that from publications available to anybody one could suggest in the future that other devices may be used, including devices on ground designed for generating intense radiation, lasers or otherwise. Buchheim said the possible undertaking not to destroy or damage would include all means—by interceptor missiles, sources of powerful radiation on the ground or any other means; it is a complete undertaking in that sense. In U.S. judgment of technology for systems for damaging or destroying objects in space, interceptor missiles are the practical means in the near term and can properly be dealt with now. The problem of placing limitations on systems based on other physical principles, for example powerful lasers based on the ground, seems to be a problem to be raised in the future whenever the two sides believe they understand it well enough. Buchheim said the other aspect of Khlestov's question concerns why the second element of the U.S. text did not limit the means for changing the trajectory of an object in space. The U.S. would specifically not suggest any such limit, he said, because "changing trajectories" is another way of saying "provide some means of maneuver." Both sides in normal, everyday, peaceful space activity make changes to the trajectories of their own space objects. It should also be permitted to do this in cooperative programs, by agreement. The U.S. side sees no merit in placing impediments in the way of such peaceful activities and sees no point in prohibiting testing of means for changing trajectories.

11. Khlestov said that the Soviet side had about one and a half hours more material to discuss and, when asked its nature, said it dealt with the prohibited acts text. Buchheim indicated willingness to continue immediately or later in afternoon. Khlestov suggested continuing February 7, at 3:00 pm, at U.S. Embassy, Buchheim agreed. Khlestov repeated his request that the U.S. side bring to the next meeting whatever text it could clarifying its view of the consultations that would take place before expiration of the test suspension.

12. Delegation requests answers/guidance on following points.

A. Is it U.S. view that initial agreement is a package of unlimited duration which includes, as one element, a provision suspending testing for one year?

B. Is it U.S. view that continuation in force of agreement should be conditioned in some way on continuation of, or progress in, negotiations on more comprehensive agreement?

C. What is U.S. view concerning when 12-month test suspension should begin? Is it date of signature, date of formal entry into force if that is different from date of signature, or some other date?

D. What is U.S. view concerning handling of test-suspension expiration? Should it be described as automatically expiring or automatically continuing absent any further mutual decision by the parties?

13. Assessment by Delegation mentioned in State 017665<sup>5</sup> follows septel.

Crowley

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<sup>5</sup> Not found.

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#### 42. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>

Washington, undated

Subject

Anti-Satellite (ASAT) Negotiations

We may be able to get an initial ASAT agreement, or at least agreement in principle, at the Summit with the Soviets.<sup>2</sup> This would be well worth doing, since the agreement we seek is strong on its merits and would usefully complement the SALT Treaty by enhancing the security of our verification means.

Getting agreement will require an early positive response by the Soviets to our proposal for a one-year test ban, as well as a concerted effort by both sides to settle several secondary issues. We learned from the recent ASAT round that the Soviets are especially concerned about two issues which seem to matter far more to them than us: (1) whose satellites would be protected by the agreement; and (2) whether "hostile" or "illegal" satellites (e.g. direct broadcast satellites) would be protected. We have not given the Soviets clear, firm U.S. positions on either

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 50, International Security Affairs, Negotiations, ASAT. Secret. A note in the upper-right hand corner by an unknown hand reads "dated APPX. 12 Mar 79."

<sup>2</sup> Carter and Brezhnev were scheduled to meet in Vienna in June.



issue. I think we can adopt positions which will protect our interests and yet meet minimal Soviet concerns:

- On whose satellites are protected: We should propose that those that are launched by either side are covered, provided the side continues at least to share in their subsequent use. This would alleviate Soviet concerns that we might claim protection for a nominally U.S. satellite which is really being used by, say, the Chinese. But it would afford protection for satellites in which we share use with others.

- On “illegal” satellites: We should propose a general reference in the agreement to the inherent right of self-defense contained in the UN Charter. This would be neither an admission that we have illegal satellites nor acceptance of a Soviet right to use force against any satellites except those which present a military threat. In fact, we may have our own reasons for such a provision, since we would not want the agreement to be seen as depriving us of the right to defend ourselves against the existing Soviet ASAT system.

I doubt that there would be any serious substantive objections among concerned agencies about either of these positions. I propose that we go back to the Soviets promptly with these ideas, a reaffirmation of our insistence on a test suspension, and a proposal that the talks resume immediately for the purpose of reaching an agreement in time for the Summit.

### 43. Summary of Conclusions of a Special Coordination Meeting<sup>1</sup>

Washington, March 12, 1979, 10:00–11:30 a.m.

#### SUBJECT

Anti-satellite Treaty

#### PARTICIPANTS

##### *State*

Warren Christopher Deputy Secretary  
Les Gelb Assistant Secretary for Politico-Military Affairs

##### *Defense*

Charles Duncan Deputy Secretary  
Gerald Dinneen Principal Deputy Under Secretary of Defense  
Walter Slocombe Principal Deputy Assistant Secretary for International Security Affairs

##### *ACDA*

Spurgeon Keeny Deputy Director  
James Timbie Chief, Strategic Affairs Division  
Robert Buchheim Head, ASAT Delegation

##### *Joint Chiefs of Staff*

LGen William Smith  
MGen David Bradburn (Ret.) Member, ASAT Delegation

##### *White House*

David Aaron (Chairman)  
NASA  
Robert Frosch Administrator  
David Williamson Assistant for Special Projects

##### *NSC*

Victor Utgoff  
Robert Rosenberg  
Reginald Bartholomew  
Charles Stebbins

##### *OMB*

Al Burman

##### *OSTP*

Frank Press Director  
Arthur Morrissey Senior Analyst

##### *CIA*

John Hicks Deputy Director for National Foreign Assessment  
Evan Hineman Director, Office of Weapons Intelligence

*Satellites Shared with Third Countries.* During the second round of ASAT Talks,<sup>2</sup> the US took the broad tactical position that all objects in space, regardless of their ownership or who uses them, should be protected under an Interim ASAT Agreement. The Soviets, on the other hand, took the narrow position that other countries should not gain an advantage from a bilateral agreement—that only space objects launched and used exclusively by the signatories should be protected. (S)

The SCC feels that the Soviet position is not wholly without merit: for example, it probably makes no sense to them to protect space objects of the PRC, so long as the PRC is not a signatory of the 1967 UN

<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 102, SCC 148, ASAT, 3/12/79. Top Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> See Document 41.

Treaty on Outer Space<sup>3</sup> and will not be a party to the Interim ASAT Agreement (at least not initially). But the Soviet position is severely flawed in that it would exclude from treaty protection those multinational satellites that either the US or Soviet Union share with third countries. (S)

State, OSD, ACDA, NASA and OSTP agreed that the best and simplest treaty formulation would be one that protects space objects in which either signatory *has an interest*, but the agreement should be worded to leave the door open for—and, in fact, encourage—multilateral participation later on. Specifically, the US should insist that:

(1) All space objects launched by the signatories are automatically protected unless the launching party specifically waives such protection. (TS)

(2) A space object that is launched by a third party is protected if a signatory claims it has an interest in the object. (TS)

(Procedures for accomplishing the above should be drafted by the Interagency Working Group. Such procedures should place the burden of challenging the ownership and use of a space object on the signatory that might want to take action against the object.) (TS)

The JCS asked for additional time to study the two-part formulation; they reported back on March 14, 1979 that they prefer the earlier US position that all objects in space, regardless of ownership or use, should be protected under the Interim Agreement. (TS)

*“Illegal” Space objects.* The Soviets have stated that they do not want “illegal” space objects that perform so-called “hostile acts” to be protected by an ASAT agreement (e.g., space objects that broadcast directly into a state without its permission, modify the environment, violate airspace, etc.) No such “illegal” objects have been identified by either side in the past, and the US has refused to discuss them with the Soviets in the abstract. (It is probably unwise to open this subject at all, if the real Soviet concern—and their ultimate target—is our intelligence-gathering satellites.) (TS)

The Soviets hinted at some flexibility on this issue during the second round of ASAT talks. They stated that the spectre of “illegal” space objects is not a pretext for retention of specialized ASAT systems, suggesting that the fundamental Soviet concern is to avoid any impression that elimination of such systems implies that they are willing to forego the principle of national sovereignty. Thus, all agreed that while we should continue to decline to discuss “hostile acts” carried out by “illegal” space objects, we should reaffirm in the preamble of an ASAT

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<sup>3</sup> See footnote 5, Document 39.

agreement each signatory's right to defend itself as recognized in Article 51 of the UN Charter. (TS)

*ASAT Test Suspension.* All reaffirmed their commitment to a one-year, all-altitude, orbital interceptor test suspension as part of an Initial ASAT Agreement. (S)

*Relation to SALT TWO.* All agreed that being able to verify compliance with the SALT TWO agreement is not dependent on our reaching an ASAT agreement with the Soviets. However, it was recognized that such an agreement could provide additional reassurance, and therefore might complement the SALT ratification process. The chairman noted that the majority had reached agreement on the issues, and suggested that we consider finalizing an Initial ASAT Agreement with the Soviets prior to the US/Soviet SALT summit, provided we can do so without compromising our basic objectives. (TS)

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#### **44. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, March 20, 1979

SUBJECT

ASAT (U)

As you may recall, in the second round of ASAT talks in Bern<sup>2</sup> the Soviets argued that our bilateral agreement should not provide protection for (1) satellites performing "illegal" acts, and (2) satellites of 3rd countries. (S)

The SCC has been studying these issues since the talks adjourned, and met March 12 to discuss possible ways to resolve them (Summary of Conclusions at Tab A).<sup>3</sup> The SCC agreed to approach the first issue by offering to recognize in the Treaty both parties' inherent right of self defense as stated in the U.N. Charter. At the same time we do this we would note the statements made by the Soviets in both rounds of ASAT talks that their concerns with "illegal" satellites are not a pretext for retaining ASAT capabilities. This should resolve the issue if the Soviets'

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 102, SCC 148, ASAT, 3/12/79. Top Secret. Sent for action.

<sup>2</sup> See Document 41.

<sup>3</sup> See Document 43.

purpose is to avoid any implication that by banning the use of ASATs, they are renouncing all rights to defend themselves against a type of hostile activity. (S)

All except JCS agreed to a DOD solution to the second issue—third country coverage. We would insist that the treaty cover any space object we launch (unless we specifically waive protection) or claim we have an interest in. We would also leave the door open for multilateral participation in the treaty. (S)

JCS prefers the position taken by the Delegation in Bern—that all space objects independent of ownership be covered in any initial agreement. They are concerned that failure to cover 3rd party satellites would provide a basis for the Soviets to retain an ASAT capability. (S)

In our view, ultimate Soviet willingness to limit their ASAT capabilities will not be significantly influenced by whether or not an initial ASAT agreement limiting their use covers third countries. While it would be nice to have all space objects covered in the initial agreement as the JCS prefer, the more limited DOD proposal can lead to a useful initial agreement, leaves us no worse off with respect to our ultimate goal of limiting ASAT capabilities than we are today, and would provide an incentive for multilateral participation later on—a positive feature. (S)

We need your decision on the above issue; as soon as we have it we would like to present a *démarche* to the Soviets indicating how we would approach the problems discussed above, and suggesting that we get the Delegations together to work out an initial agreement in time for the Summit. (TS)

Moving along fast enough to achieve this may not be possible, of course—and the services are unhappy at our efforts to restart the negotiations so soon. In our view, however, the issues are second order, straightforward—and our proposed solutions would not compromise our objectives. (S)

#### *RECOMMENDATION*

That you approve the Summary of Conclusions at Tab A. (U)<sup>4</sup>

That we adopt the DOD proposal for resolving the third country coverage issue. (U)<sup>5</sup>

That we proceed with a *démarche* to the Soviets outlining our ideas, and suggesting that the Delegations reconvene to see if we can work out an initial ASAT agreement in time for the Summit. (TS)<sup>6</sup>

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<sup>4</sup> Carter checked the “Approve” line.

<sup>5</sup> Carter initially checked the “Approve” line, then crossed it out and wrote “Prefer JCS position” in the right-hand margin.

<sup>6</sup> Carter checked the “Approve” line and wrote “If the SU continues to develop ASAT in order to destroy a rudimentary PRC satellite, what have we gained?” at the end of the memorandum.

**45. Memorandum From Secretary of State Vance and Secretary of Defense Brown to President Carter<sup>1</sup>**

Washington, undated

## SUBJECT

Anti-Satellite (ASAT) Negotiations

You decided that all space objects, regardless of nationality, should be protected under the interim ASAT agreement. However, we ask that you reconsider and decide instead that the agreement should cover the satellites of the two sides, *including* those in which either side shares an interest with third parties. This will fully protect our security and foreign policy interests.

As nearly as we can tell, the Soviets will not agree to an ASAT treaty that protects all (which they read as “PRC”) satellites. Especially if we are to get a useful, if limited ASAT agreement in time to help SALT ratification (but probably in any event), there will have to be some compromise on the ownership question.

We know you may be concerned that the Soviets would use this position in the future as an excuse for retaining ASAT capabilities. However, given the multi-functional nature of most ASAT components and the attendant verification problems, the difficulty involved in eliminating all ASAT capabilities does not derive solely (or, even, mainly) from the nature of an interim agreement. To the extent the nature of the interim agreement is a problem, we can deal with that by making clear that in our view less-than-comprehensive coverage in an interim agreement is neither a precedent nor a legitimate excuse for retaining ASAT systems.

If you’re concerned about the foreign policy drawbacks of excluding satellites operated exclusively by third countries, we can show those countries that an early interim agreement can benefit them as well: (1) the test suspension will benefit them directly by impeding Soviet ASAT development; (2) We can move from an interim agreement to negotiations aimed at limiting ASAT systems directly; and (3) We can invite others to join the process in the future. We should also seek

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 50, ASAT. Top Secret. On April 2, Brzezinski informed the Secretaries that “the President has decided that the agreement need only cover satellites the two sides own or share an interest in with third countries. At the same time, the President notes that his concern with this approach remains. He stated ‘The Soviets can develop a very advanced AS (anti-satellite) capability ostensibly just to destroy PRC satellites. What have we gained?’” (Carter Library, National Security Council, Institutional Files, Box 102, SCC 148, ASAT, 3/12/79)

provisions permitting additional countries to adhere to the agreement, thereby protecting their satellites (and agreeing not to attack those of other parties).

Your main immediate aims in the ASAT negotiations have been to take a first step toward a comprehensive agreement and to stop the Soviet testing program for one year. The change we suggest combined with the pressure on Soviet leaders at the upcoming Summit will present us with a unique opportunity to accomplish these aims, and will help us with SALT ratification.

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46. **Memorandum From the President's Deputy Assistant for National Security Affairs (Aaron) to Vice President Mondale, Secretary of State Vance, Secretary of Defense Brown, the Director of the Office of Management and Budget (McIntyre), the Director of the Arms Control and Disarmament Agency (Seignious), the Chairman of the Joint Chiefs of Staff (Brown), the Director of Central Intelligence (Turner), the Administrator of the National Aeronautics and Space Administration (Froesch), and the Director of the Office of Science and Technology Policy (Press)**<sup>1</sup>

Washington, April 20, 1979

SUBJECT

Instructions to the US Delegation to the 3rd Round of ASAT Talks with the Soviets Commencing April 23, 1979, in Vienna (U)

The current objective of the ASAT talks with the Soviets is to negotiate a two-part initial ASAT agreement consisting of an initial treaty banning damage, destruction, and unauthorized displacement (change of trajectory) of each other's space objects plus a one-year suspension of ASAT interceptor missile testing.<sup>2</sup> Except as modified below, the instructions for the first two rounds of ASAT talks remain in force. (S)

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 21, PD/NSC-45. Top Secret. The Americans and Soviets actually began the third round of talks on April 24. (Telegram 4064 From Vienna to the Department of State, April 25; National Archives, RG 59, Central Foreign Policy File, D790189-0626)

<sup>2</sup> On April 17, the Department of State instructed the Mission to NATO to inform NATO members that so far, despite the Soviet Union's "limited anti-satellite capability," the United States had decided to maintain only a "vigorous research and development program in this field" rather than deploy an anti-satellite system. However, "if we do not

1. The US would prefer that all space objects be covered by the initial ASAT Treaty. However, the US can accept a formulation which covers space objects in which either Party has an interest. Specifically, the US can accept a limited approach which covers a) all space objects launched by a Party, except for those in which the Party has no interest and so designates to the other side, and b) space objects launched by a third country but in which a Party has an interest and so designates to the other side. (TS)

2. If the US comes to accept limited coverage in the initial ASAT Treaty, the Delegation should attempt to get the Soviets to state for the record that limited coverage is not a pretext for retaining ASAT capabilities and is without prejudice to future negotiations aimed at limiting or eliminating ASAT capabilities. Delegation should also ensure that any notification procedures required as a result of limited coverage require a minimum of information to be provided when interest in a space object launched by a third country is claimed, and place the burden of proof on the side challenging the legitimacy of any such claims. (TS)

3. The Delegation should oppose inclusion in the initial ASAT Treaty of an exception for space objects that are "illegal" or perform "hostile acts." In addition, the Delegation should minimize the degree to which the negotiating record suggests that the US recognizes the possible existence of such space objects. The Delegation is authorized, however, to state that in the US view nothing in the agreement is intended to question a Party's right of self-defense as set forth in Article 51 of the UN Charter, and that the US is prepared to consider language to this effect in the preamble of the ASAT Treaty. (TS)

4. The Delegation should avoid formulations that would complicate a future option to open the provisions of any final treaty reached by the two sides to accession by third countries. (C)

5. With respect to accidental damage, destruction or displacement of space objects, the Delegation should insure that the initial agreement does not require and the negotiating record does not imply a require-

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realize a satisfactory comprehensive agreement that removes the current asymmetry in ASAT capabilities," the Department warned that the United States would "remove this asymmetry by means of its own ASAT programs." (Telegram 96873 to USNATO, April 17; National Archives, RG 59, Central Foreign Policy File, D790177-0720) The Mission replied that the "only immediate comment" came from the British Permanent Representative, who "called the resumption of negotiations 'good news'." He said he had been impressed by the destabilizing impact" of the Soviet ASAT system and worried that the Soviets "might be able to destroy US capability to detect Soviet launches in the period just prior to general hostilities." (Telegram 2971 from USNATO, April 18; National Archives, RG 59, Central Foreign Policy File, D790178-0848)



ment for reporting near misses in space, either before or after the fact. (S)

**David Aaron**

*Deputy Assistant to the President for National Security Affairs*

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**47. Telegram From the Embassy in Austria to the Department of State<sup>1</sup>**

Vienna, May 2, 1979, 1615Z

4291. US ASAT Three 010. From Buchheim. Mil addressees handle as Specat. NASA for Krueger. Subject: (U) Comments of SovDel at April 30, 1979 Reception.

1. (Secret—Entire text).

2. During April 30, 1979 reception at American Ambassador's residence, Soviet Delegation members made following comments to members of US Delegation.

3. On test suspension and comprehensive agreement:

A. Pisarev told Buchheim that Soviet side would, during this round, state its views on a test suspension and on a comprehensive agreement.

B. Naumov asked Buchheim how Soviet side should interpret US text on test suspension,<sup>2</sup> in particular what would be the regime between the date of signature and the date of exchange of instruments of ratification. Buchheim said that it would be understood that, in accordance with customary international law, during this period neither side would do anything inconsistent with the purposes or provisions of the treaty. Naumov said he understood.

C. Terekhov asked Williams also about the interpretation of the April 26 US text on test suspension. Terekhov said that there was a split of interpretation in the Soviet Delegation, but the majority view, which

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790200–0634. Secret; Immediate; Exdis. Sent for information Immediate to the National Security Council, the Secretary of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, the National Aeronautics and Space Administration, and Moscow.

<sup>2</sup> On April 26, the U.S. Delegation proposed that both sides agree to refrain from testing an anti-satellite "interceptor missile for destroying or damaging objects which have been placed in orbit around the earth or on any other trajectories into outer space" from July 1, 1979, until July 1, 1980. The text is available in telegram 4131 from Vienna, April 26; National Archives, RG 59, Central Foreign Policy File, D790191–0614.

he shared, was that the test suspension went into effect on the same date as the treaty as a whole, that is, upon exchange of instruments of ratification, and expired on a date certain, July 1, 1980. Under this interpretation, the test suspension might last only one or two months, he said. Williams confirmed this interpretation of the text standing alone and asked Terekhov what the minority interpretation of the test suspension period was. Terekhov was unable to explain satisfactorily.

4. On "hostile acts" exclusion: Mayorskiy told Bradburn that the Soviet side feels strongly that a "hostile acts" exclusion is needed because the Soviet side is concerned with the activities carried out by states against each other by use of space objects, and not just with the objects as such. He said it is the actions, not the objects, which need to be considered in an agreement.

5. Mayorskiy told Bond that if Article 51 of UN Charter were considered to be exclusive rationale for action against satellites, then the proposed ASAT agreement was not needed. He said that various circumstances not involving the right of self defense could be foreseen where it might be necessary to act against a satellite, such as "when a satellite was consuming all your oxygen" or when a satellite was flying "40 KMs above your territory". Under those circumstances, resort to peaceful settlement of disputes might well be too late. If phrase "hostile acts" not acceptable, some other formulation could do, such as an exception for "gross violation of state sovereignty", but that it was absolutely necessary to obtain exception for those circumstances not involving an armed attack when action against satellites might be called for. Mayorskiy said that Soviet position on action against DBS satellites had been misconstrued, the Soviets had not said that they would destroy unauthorized DBS satellites. He could not imagine this happening, although it might occur in some unforeseen scenario. But the Soviet Union did maintain its freedom to take other actions against DBS satellites, such as blocking its transmissions or moving it to another position without destroying it. Mayorskiy rejected analogies between Law of the Sea and Law of Outer Space, saying that the two were different.

6. On scope of coverage: Khlestov told Bradburn that the Soviets do not agree with the idea of protecting all space objects regardless of ownership, because the Soviets do not want the protection to be applicable to Chinese space objects.

7. On shuttle: Pisarev spoke with Darbyshire at length about the shuttle, repeating most of what he had said on subject at SovDel reception in Bern.<sup>3</sup> He additionally stated that he knew of many planned cooperative space activities involving shuttle but that shuttle never-

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<sup>3</sup> Not found.

theless was a very powerful and a dangerous system. It could be used to do many things, he said, besides placing a satellite in orbit or moving a satellite from one orbit to another. The Soviet side had to take this into account, and the US side in his view, should understand the reasons for the Soviet side's concern. He sidestepped a question about what connection there might be between the Soviet side's desired "hostile acts" exceptions and its concerns about shuttle. He stated only that the Soviet side, in formulating its positions, had given much thought to shuttle from the beginning and would continue to do so.

8. On Soviet expectations for current session: in numerous conversations (e.g., Mayorskiy/Melanson, Khamanov/Jones, Terekhov/Darbyshire) Soviets made same set of points on this subject. They said Soviet side had expected third session would not be held until summer. They had come to Vienna at this early date at US side's suggestion and expected to see some movement in US positions. Instead, the US repeated the positions it had offered in Bern, and so far only the Soviet side had presented any new ideas in Vienna. Unless the US side alters its views both on third-country benefits and on an exclusion from coverage for satellites committing "hostile acts," they said, the sides will not be able to reach an agreement.

9. Miscellaneous comments:

A. Globenko indicated disbelief when told by Jones that NASA does not build weapons systems.

B. Pisarev told Bradburn that Soviet Delegation always brings only one secretary because Khlestov wants it that way. The one secretary is always from the Ministry of Foreign Affairs and is picked by Khlestov. Pisarev, who is from Ministry of Defense, seemed to be dissatisfied with this arrangement.

10. FYI: At Soviet request, because of May 1–2 Soviet holiday, fourth plenary meeting has been rescheduled for May 3 at US Embassy, rather than May 2 as previously reported. (ASAT Three 009, Vienna 04253).<sup>4</sup>

**Wolf**

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<sup>4</sup> Telegram 4253 from Vienna, May 1, reported on the third plenary session of the ASAT talks. Buchheim presented a prepared statement explaining the "US side's views on coverage of the prohibited acts element and suggestion that the right of self-defense could be recognized by reference to the language of Article 51 of the UN charter." Khlestov presented a revised version of the Soviet view of the definition of space objects and prohibited acts, which covered "space objects used jointly by a party and other countries for peaceful purposes. It also would prohibit interference with operation of equipment, although intended meaning of interference not yet clear." (National Archives, RG 59, Central Foreign Policy File, D790198–0722)

#### 48. Telegram From the Embassy in Austria to Telegram the Department of State<sup>1</sup>

Vienna, May 7, 1979, 0942Z

4406. US ASAT Three 014. From Buchheim. Mil addressees handle as Specat. NASA for Krueger. Subject: (U) Restricted Meeting, May 4, 1979—Part Two.

1. (Secret—Entire text.)

2. Part one of this report is ASAT Three 013;<sup>2</sup> there are only two parts.

3. Summary: Restricted meeting was held at Soviet Embassy at 10:30 a.m., Friday, May 4, 1979. Attendees: U.S. side: Buchheim, Bradburn, Darbyshire and Smith (interpreter); Soviet side: Khlestov, Mayor-skiy, Pisarev, Terekhov (interpreter). Buchheim presented prepared statement (see ASAT Three 013) on view of U.S. side on possible differences of approach between U.S. and Soviet sides with respect to what we are trying to deal with in a prohibited-acts element. U.S. side seeks prohibition of certain acts against space objects; Soviet side appears to be trying to deal also with acts against missions in which space objects are used. U.S. side suggested that unknown future contingencies can be dealt with through provisions for consultation, amendment and withdrawal, and argued against an exception for cases of "hostile acts". Soviet side did not agree. Soviet side asserted need to be permitted by the terms of the agreement to take immediate steps, including the acts otherwise prohibited in the agreement, to defend itself in case of a "hostile act" against it. End summary.

4. Following Buchheim's prepared statement, Khlestov said he understood that the U.S. side appeared to be recognizing the viewpoint of the Soviet side, that a state whose legitimate interest had been violated retained the right to defend itself. But, he said, he had the impression that the U.S. was opposed to including an exception for "hostile acts" in a prohibited-acts element. He said the U.S. had suggested a right of

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790206-0901. Secret; Immediate; Exdis. Sent for information Immediate to the National Security Council, the Secretary of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, the National Aeronautics and Space Administration, and Moscow.

<sup>2</sup> ASAT 013 is telegram 4398 from Vienna, May 4, and reported that Buchheim read a prepared statement to the Soviet Delegation that focused around the question that was "impeding general agreement between us." The two sides needed to decide whether they were "seeking solely to set forth undertakings not to carry out certain acts against space objects, or are we also trying also to deal with missions?" The United States believed that the answer was the former and that "in these discussions we are not engaged in the latter task, and that we should not try to deal with that task." (National Archives, RG 59, Central Foreign Policy File, D790204-0313)

withdrawal as a substitute for a “hostile acts” exception. He asked if there was not a contradiction in the U.S. view, because if the U.S. recognized the right of a state to take actions against space objects carrying out pernicious acts, why shouldn’t that right be specified in the agreement?

5. Buchheim said it could be viewed as a matter of scope. In the U.S. view, there should be a complete ban on damaging, destroying, or changing the trajectories of space objects, that is, acts against the objects themselves. There are many other ways to render ineffective or inefficient or harmless an attempt to carry out its mission using a space object. In the U.S. view, Buchheim said, our agreement should not address any such measures because they are beyond its scope. As for rights now held by the two countries, nothing would be changed except that the two sides would have recorded an agreement not to damage, destroy, or change the trajectory of a space object. The U.S. side’s specific concern with the Soviet side’s third text<sup>3</sup> (on hostile acts) is that it would give, in advance, on an unspecified basis, legitimacy to damaging, destroying, or changing the trajectory of a space object as appropriate immediate remedies if there ever were a space object which carried out pernicious actions, as construed by the side undertaking the prohibited acts.

6. Buchheim said it was the U.S. side’s view on this matter that there is now, and for the foreseeable future will be, no reason to believe that violent remedies are necessary or appropriate and, therefore, they should not be provided for in the agreement. On the other hand, the U.S. side is completely willing to include provisions in the agreement which would provide a basis for dealing thoughtfully with future circumstances. Future circumstances are unpredictable; the Soviet side has said that perhaps these problems may never occur. Contingency measures should begin with consultations to determine whether one side or the other side or both sides wanted to do something about some new circumstance. A further measure could be to amend the agreement, if appropriate, taking into account specific circumstances. These are steps the sides could take together. They are normal measures provided for in most agreements. To take the case to the extreme, if one side or the other decided it could no longer abide by the agreement, it could withdraw from it under conditions of a conventional nature.

7. Khlestov said there was a difference here in characterizing the actions; the Soviet side had one term, and the U.S. had another. In the event of such action, a state had the right to protect itself from such actions of space objects. Khlestov said he had the impression that the

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<sup>3</sup> See footnote 4, Document 47.

viewpoints of the sides coincided here. Buchheim stated that in general this was correct, but he would state it somewhat differently. He would say that, with regard to this agreement, the situation should be that after signing the agreement nothing would have changed regarding the rights now held by both sides except that they had recorded obligations not to carry out certain specified acts against space objects. This should be the full scope of this aspect of the agreement.

8. Khlestov said the sides seem to have a common understanding that even with the agreement under negotiation the right was recognized for a party to the agreement to protect itself against space objects used for hostile or pernicious actions. This was the first point. The U.S. view was that a state could use any measures for protection against such acts except those listed in an agreement, namely, damaging, destroying or changing the trajectory of space objects. Any other measures could be used. Perhaps he was inexperienced in this, but he wondered if Buchheim could give any examples of other measures besides those prohibited in the agreement. Buchheim responded that Khlestov could get a better answer to this question from his own experts. Khlestov said he was not trying to make Buchheim say anything. He said that there were other methods and if Buchheim did not wish to talk about them Khlestov would ask his own specialists. Buchheim replied that that would be better. He could answer only in general terms. Since the Soviet side had thought so much on these matters, and particularly about what you call "hostile acts", surely it had thought about measures that might be taken against such missions. He could not believe that, with its scientific, technological and military resources, the Soviet Union could not think of any measures other than blowing up a space object. Soviet specialists surely knew of other examples. Khlestov said that the U.S. viewpoint is that a state should undertake other measures for protection against pernicious acts. The Soviet viewpoint is that—in those instances—a state must have the right to take actions which are prohibited in the agreement, that is damaging, destroying or changing the trajectory of a space object. This is the difference between the sides.

9. Khlestov said the Soviet side wanted to include in the agreement an exhaustive list of actions against space objects which would be prohibited, because such actions were effective when used against space objects. He meant not only damaging or destroying a space object, but all acts should be prohibited which would affect the space object and would make it inoperative as a result of the acts. The Soviet side had introduced the act of displacing a space object from orbit. The two sides had discussed the meaning of "not to destroy" for a long time. The Soviet side understood that a wide spectrum of instances were being talked about, not destroying on board equipment or not interfering

with the functioning of that equipment. In other words, the purpose of our work is to ban any and all actions against space objects which would impede their normal functioning. If they had left any out, they would just have to add them. The purpose of the main provision was to give an exhaustive list of all forms of action which could be taken against a space object which would impede its normal functioning.

10. With such a comprehensive approach, Khlestov said, a state could not protect itself from pernicious actions carried out using space objects. If it took steps to interfere with pernicious actions, it would violate the provisions of the agreement. The U.S. idea to include provisions for making an addition to the agreement several years in the future was not very consistent. It would not be good to wait for such an action to occur. It was better not to have such an action. Including a provision now was an additional guarantee that cases of a space object being used for pernicious actions would not happen. Since there would be full clarity in the text on space objects used for pernicious actions, no one would want to carry out such actions.

11. Khlestov said the Soviet side proceeded from the premise that there would not be cases when a space object would be used deliberately for pernicious actions. They referred to a hypothetical case. Without their "hostile acts" provision, in order to carry out "prohibited" acts a side would have to quickly withdraw from the agreement. In situations relating to space objects, the time factor would be very important. Withdrawal from an agreement would require certain time-consuming procedures. A question of countering a space object used to carry out pernicious actions might take minutes or hours but no more. A question of withdrawing from the agreement would take weeks or months. Therefore, this is not a solution to the problem.

12. Buchheim said that the Soviet side's concern over timing and taking rapid measures raised questions on the U.S. side. He wondered if the Soviet side brought this up because it foresaw some activity by the U.S. (or for that matter the USSR) representing real and practical problems. The U.S. side did not. He thought that an obligation not to damage, destroy, or change the trajectories of each other's space objects included the presumption that both sides would be careful in what they did with their space objects. As Khlestov had said yesterday, each side knew how to use space objects properly. He thought that in the spirit of the common purpose that this agreement could serve, early indications of a move toward missions which one side would find troublesome should lead to consultations with the other side, and not to abrupt exercising of a provision giving a right to begin destroying, damaging or changing the trajectories of a space object.

13. Buchheim said the U.S. side was only acknowledging a hypothetical possibility, making an agreement easy to implement if unfore-

seen circumstances should arise; but the Soviet viewpoint, involving an explicit exemption and describing urgency in terms of minutes of time, leads the U.S. side to wonder if the Soviet side has some specific problem in mind, as to the present or the near future.

14. Khlestov said that both sides are talking of hypothetical possibilities which might suddenly happen or might never happen. In the hypothetical situation he was referring to, the Soviet side proceeded from a consideration of what rights a state should have if the situation were to happen. He was speaking only of this, of a hypothetical situation which might occur and the rights a state must have to deal with it.

15. Buchheim replied that this was encouraging. He had spoken of consultations in the event of signs of the appearance of a real problem. If the Soviet side sees a real problem, the time to consult is now. However, if the Soviet side is speaking only of hypothetical possibilities, this is pleasant to know.

16. Bradburn said that the ideas the U.S. side had brought today represented an attempt by the U.S. Delegation to find common ground regarding the concerns about hostile acts and provisions for taking into account these actions. The U.S. side had difficulty with the Soviet side's formulations because their acceptance in the agreement seemed to provide for the exercise of whatever defensive measures a side wished to take and this seemed to be exactly what a side could do if there were no agreement. One could say that the sides did not accept any limitations in entering into this agreement. On the other hand, if the agreement were made without any exceptions and if the provisions on hostile acts were taken care of by consultations and maybe even withdrawal from the agreement, then the sides would be accepting constraints. These limitations might be seen as an advantage by the sides because the obligations to consult would insure that if a hostile act occurred, or if a side believed it had and raised a question, the actions taken would permit a solution of the problem and this would be seen as preferable by the sides as compared with the alternative of carrying out prohibited actions.

17. Bradburn said the U.S. side thought it would be a disadvantage in an agreement which would seem to allow the carrying out of prohibited actions while the agreement was in force under circumstances when the sides perhaps did not understand or did not agree on the seriousness of the problem. He thought the obligation to consult would serve the interests of the two sides better than would an exemption which would permit the carrying out of prohibited acts because this exception would lead to the possibility of taking violent measures and would increase the seriousness of the situation. However, the obligation to consult and even to withdraw before carrying out prohibited acts would lead to a possibility to defuse this situation.



18. Khlestov stated that he had listened with interest to Bradburn's ideas. He said the mechanism of consultations between sides participating in a treaty is a normal process. Even if the sides do not specify in the treaty that they will consult, it is nevertheless presumed. Khlestov did not know of any case in normal diplomatic relations in which a side wished to consult about a problem and the other side said it did not want to talk. Usually they started an exchange of opinions on the question. What Bradburn had just said about the consultations sounded logical but it did not resolve the problem at hand, namely, how to deal with space objects used for pernicious acts. He thanked Bradburn for his attempt to find a mutually acceptable solution to the problem, but did not regard this way as an answer.

19. Buchheim said he wished to try to understand the essence of the Soviet side's viewpoint. The Soviet side's main considerations seemed to boil down to two. The first is the view that there is a hypothetical possibility that space objects could be used for missions of such character that they must be countered in order to preserve national interests, and that no other measures that might be taken against such missions were adequate except for damage, destruction, or changing the trajectory of the object being used. The second consideration is that such a hypothetical possibility could materialize into a reality so suddenly that it would require immediate action. Therefore, consultations and accommodation between the sides were not feasible approaches. Is this the essence of the Soviet side's point of view?

20. Khlestov said that he would emphasize different things so that Buchheim could understand his viewpoint better. First of all, an agreement was being concluded and the sides would undertake obligations not to damage, destroy or change the trajectories of space objects. In other words, all the most effective means of countering the space object that had been invented were included in this list. The U.S. and Soviet sides together had listed all the effective ways of countering space objects. The Soviet side proceeded from the premise that always and in every case the sides were committed to carry out their obligations; that is, not to commit prohibited acts. A state did not have the right to act otherwise. It was obligated always and in every case to observe the "prohibited-acts" element of the agreement. He wished to direct Buchheim's attention to the second side of the problem, a hypothetical case which could arise in which a space object carried out a pernicious act. A state must have the right to protect itself against these acts. This was the common approach of both sides. Perhaps in practice this would never happen, and the Soviet side did not want it to happen. However, the sides were concluding an agreement of unlimited duration and they did not know what might happen in practice.

21. Khlestov said that, according to the agreement's present shape, it was possible that suddenly this hypothetical situation could occur for

reasons the sides could not now see, and, if there were no exception provisions, neither side would have the right to take the most effective measures to counter missions of the space object. If other, permitted, measures were not effective in protecting against the space object, and if there were no exemption provision in the agreement, the sides could not do anything that was on the list of prohibited acts. Therefore, the Soviet side believed that, if a hypothetical situation were practically realized, in case of necessity a state could carry out prohibited acts against a space object and this should be so specified in the agreement. Of course, consultations could take place but, because of the time factor, consultations were not enough. Logically, this brought them to the last stage of events. Khlestov said he had in greater detail paraphrased what Buchheim had said about the Soviet viewpoint.

22. Buchheim stated that the U.S. side did not deny that it could not predict the future and that hypothetical situations could not be ruled out. The two sides acknowledge that they are speaking of hypothetical unknown possibilities of the future. The idea that such a hypothetical situation might suddenly turn into a monster which could devour the whole city of Cleveland with one bite in a few seconds was difficult for him to take seriously. He thought that if the Soviet Union undertook to build such a monster, the U.S. would know about it beforehand because this could not be done in one day. The U.S. would have many ideas to discuss with the Soviet side in order to head off such a realization. It seems at present that the views of the Soviet side on the need for quick action as compared to the more deliberate process of diplomacy was a specific difference to be considered further. As General Bradburn had stated, the U.S. side is uneasy with the idea that the agreement might on the one hand specify that certain acts would not be carried out, but, on the other hand specify that a side could carry out any of these acts quickly if something angered it.

23. Buchheim said that the U.S. side, correctly or not, proceeded from the premise that the Soviet side would never destroy a U.S. space object unless it had serious reasons to do so. This is certainly true of the U.S. side also. The U.S. side looked forward to an agreement which would enhance stability of relations between our two countries. It is the view of the U.S. that the undertaking should be not to carry out the actions specified—period. If circumstances change in the future, and such an undertaking seems to be of doubtful desirability, the sides should take steps to amend the agreement or conclude a new agreement or agreements to remove the troublesome circumstances or take other appropriate measures. He thought the two sides had made important progress today toward bringing their viewpoints closer together and he hoped that they would continue to do so.

24. Buchheim said that he remembered that the question of “hostile acts” had first arisen in Helsinki.<sup>4</sup> As he recalled, at that time the U.S. side asked the Soviet side if it had brought up this matter out of concern about what the U.S. might do with space objects, or was it concerned about third countries, or was this a general concern. The Soviet side had replied in Helsinki that it was not concerned with U.S. actions but with what somebody else might do. However, from the discussions in Bern, including Khlestov’s answer to a specific question, the U.S. side now understood that the Soviet side’s third text reflects concern over what the U.S. might do. Is there merit in our reviewing this question again?

25. Khlestov said that, frankly, the word “concerned” over what the U.S. or a third country might do did not exactly convey the right meaning intended by the Soviet side. They had spoken of a hypothetical case. They realize that a hypothetical case could come from either side or from elsewhere.

26. Khlestov said that the Soviet side would, as promised, provide answers to the questions raised by the U.S. side at the meeting on 3 May 1979.<sup>5</sup> Since they had been raised at a plenary meeting it was logical to answer them at a plenary meeting.

27. Next plenary meeting will be held at U.S. Embassy at 3:00 p.m. on May 8, 1979.

**Wolf**

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<sup>4</sup> See Document 33.

<sup>5</sup> Telegram 4397 from Vienna, May 4, describes the May 3 plenary. However, it notes only that Buchheim “read list of questions” but does not provide the actual questions. (National Archives, RG 59, Central Foreign Policy File, D790204–0217)

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#### **49. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>**

Washington, May 18, 1979, 0012Z

125966. Subject: (S) Démarche to Soviet Ambassador Dobrynin on Anti-Satellite Negotiations (ASAT).

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840142–2594. Secret; Immediate; Nodis. Drafted by Gary Matthews (EUR/SOV); cleared by Joseph Hulings (S/S–O); and approved by Shulman. Sent for information Immediate to the White House.

1. (S—Entire text)

2. During meeting with Ambassador Dobrynin afternoon of May 17, Secretary made following points regarding ASAT negotiations.

3. Begin text of talking points:

—The current round of talks on anti-satellite matters in Vienna is making progress. If we can achieve agreement by the time of the summit, we will have advanced the important cause of arms control in this dangerous area. It would also be a concrete, positive accomplishment in US-Soviet relations.

—We are pleased that the two Delegations in Vienna have begun work on a joint draft text.<sup>2</sup> This should help produce progress in the weeks ahead.

—There has been a good exchange between the two sides:

We welcome your response to our proposal for a test suspension. We think you will be encouraged by our Delegations's reply.

There also has been progress on the question about which space objects would be covered by an agreement. The two sides seem to be getting closer to an understanding on this.

—The most difficult issue remaining may well be what you call "hostile acts."

As the US understands it, the Soviet side is suggesting a provision which would permit either party to damage, destroy, or change the trajectory of space objects without violating the agreement simply by asserting that it was the target of what you call a "hostile act."

This would make the agreement hollow. It would imply that either side can decide whether or not to respect the basic understanding.

The US side cannot accept any provision which casts doubt on the security of space objects in which it has an interest, or which provides a pretext for taking actions otherwise prohibited.

At the same time, the US is prepared to:

—Reaffirm the inherent right of self-defense as set forth in the UN Charter.

—Work out arrangements for prompt consultations, for amendments to deal with unforeseen circumstances, and for withdrawal if supreme national interests require it.

These measures should give the Soviet side confidence that the agreement can accommodate unforeseen developments.

End text.

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<sup>2</sup> On May 16, the United States and Soviet Union exchanged draft texts in their eighth plenary meeting of the third round of the ASAT talks. (Telegram 4845 from Vienna, May 17; National Archives, RG 59, Central Foreign Policy File, D790223-0787)

4. Dobrynin responded by asking what kind of consultations the US had in mind. The Secretary replied that the Delegations at the present ASAT session in Vienna should set up procedures. Dobrynin then asked what the problem was with the Soviet formulation on hostile acts. The Secretary noted plainly that the formulation would totally undermine the agreement. Dobrynin, asking personally and noting that he was expressing no preference, asked whether the agreement would be a treaty or an executive agreement. The Secretary replied that this decision could be deferred for the the time being.

Vance

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**50. Memorandum From Secretary of State Vance and the  
Director of the Arms Control and Disarmament Agency  
(Seignious) to President Carter<sup>1</sup>**

Washington, May 18, 1979

SUBJECT

Anti-Satellite Negotiations

Considerable progress has been made in the current round of negotiations on limitations on ASAT systems. An agreement, however, will require resolution of several differences between the U.S. and Soviet approaches.

The U.S. has proposed an initial agreement consisting of a Treaty prohibiting damaging, destroying, or changing the trajectories of satellites, and a one-year suspension of ASAT interceptor testing. We would pursue a more comprehensive agreement in follow-on negotiations.

The Soviets would go beyond our proposal to prohibit additional actions against satellites, in particular the use of electronic counter-measures. The U.S. wants to avoid this subject. Another troublesome issue, whether satellites used by the U.S. together with third countries are to be protected by the Treaty, is now close to resolution by the Delegations in Vienna.

A potentially serious problem is a Soviet proposal to exclude from coverage satellites which engage in "hostile" or "illegal" acts. Soviet ex-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 4, Anti-Satellite System (ASAT): 7/77–10/80. Secret.

amples of "hostile" satellites have been rather far-fetched (e.g., satellites which harm the environment, or satellites which swoop down into national airspace). Such an exemption could legitimize the retention and use of ASAT systems, thus undercutting the basic objective of the agreement. We are attempting to persuade the Soviets that provisions for consultation and withdrawal as well as the inherent right of self-defense provided for in the UN charter are adequate to deal with such a contingency should it arise. Cy has made these points to Dobrynin.<sup>2</sup>

The Soviets broke their long silence on a test suspension by proposing last week to suspend until January 1, 1981 testing in space not only of ASAT interceptors (our proposal), but of any means of damaging, destroying, or changing the trajectory of satellites.<sup>3</sup> Restrictions on changing trajectories could impair the operations of the space shuttle, and have been rejected. The other principle difference concerns whether or not to suspend testing of ASAT systems other than interceptors, primarily ground-based lasers. For verification reasons, the U.S. proposed to suspend only interceptor tests since monitoring covert tests of Soviet lasers against satellites would require U.S. intelligence collection systems not yet in being or programmed.

Since we are aware of no U.S. plans to test a laser against a satellite before 1981, it is tempting to consider the broader approach the Soviets have proposed. However, given the importance of verification of Treaty obligations, we recommend that the U.S. hold to the position to suspend only ASAT interceptor tests. If the Soviets insist on the broader approach, we recommend that the U.S. offer to state that we do not plan any tests of other forms of ASAT systems before 1981, and will notify the Soviet Union of any change in these plans. The Soviets would have to make the same statement. This would not be an obligation but a statement of fact. Such an exchange of statements of plans could encourage the Soviets to accept the U.S. approach. It could also avoid a situation in which the Soviets circumvent the interceptor test suspension by testing a ground-based laser against a satellite, which the Soviets may be in a position to do by 1981.

**Cyrus R. Vance**

**George M. Seignious II**

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<sup>2</sup> See Document 49.

<sup>3</sup> See Document 48.

**51. Telegram From the Embassy in Austria to the Department of State<sup>1</sup>**

Vienna, May 21, 1979, 1128Z

4954. US ASAT Three 039. From Buchheim. Mil addressees handle as Specat. NASA for Krueger. Subject: (U) General Summary of Status.

1. (Secret—Entire text.)

2. This round has now run for four weeks, and four main questions are outstanding:

(A) Formulation of “prohibited acts” Article (II) and related definitional Article (I).

(B) Test-suspension provisions.

(C) Soviet “hostile acts” exemption.

(D) Prospects for an eventual comprehensive agreement.

3. Question (A) is moving toward resolution, and will be addressed further in meeting May 22, 1979.

4. Delegation received from Washington instructions (State 124103)<sup>2</sup> concerning new elements in the May 8, 1979, test-suspension text of the Soviet side,<sup>3</sup> except the element on scope. Pending receipt of instructions on the scope element, we will not express any views to the Soviet side concerning their test suspension text in order to not show the Soviets where to look for our point of uncertainty.

5. Recommendation: We recommend that Delegation be authorized to accept scope of test suspension proposed by Soviet side, incorporating in protocol text language in accordance with para 3 of State 124103<sup>4</sup> adding language to the protocol text calling for review prior to January 1, 1981, and putting the Soviets on notice with a formal state-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790230–1031. Secret; Exdis; Niact Immediate. Sent for information Niact Immediate to the National Security Council, the Secretary of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, the National Aeronautics and Space Administration, and Moscow.

<sup>2</sup> In telegram 124103 to Vienna, May 16, the Department of State instructed Buchheim to “advise the Soviets that the present US view is that the test suspension should be recorded in a protocol to the treaty.” (National Archives, RG 59, Central Foreign Policy File, D790220–0124)

<sup>3</sup> Not found.

<sup>4</sup> The Department instructed Buchheim to say that “changing the trajectory of one’s own satellites by both internal and external means is a normal part of the space programs of both sides, and that testing systems in such a manner should not be prohibited.” The Department also said that “the use of the space shuttle to launch, to maintain, and to retrieve US and other satellites in which US has an interest must not be circumscribed in any way by the agreement.” (Telegram 124103 to Vienna, May 16; National Archives, RG 59, Central Foreign Policy File, D790220–0124)

ment that experience in implementing the protocol including experience relevant to verification will be taken into account in that review.

6. Further delay in reply to Soviet test-suspension suggestion is bound to arouse suspicions on Soviet side, and lead them into troublesome speculations. Further delay could well shatter this entire enterprise.

7. Looking a little farther ahead, we may shortly find ourselves up against a substantial roadblock in the form of the Soviet side's insistence on a "hostile acts" exclusion to the prohibited-acts element. The Soviet side now says this is a matter of "position" with them, and they have been unwilling to engage in further meaningful discussion beyond that assertion. The policy underlying that position may be that the Soviet side will not accept unqualified constraints on countering actions unless there are agreed constraints on uses of satellites, although they have not suggested that they seek such constraints. Alternatively, their position may rest simply on a policy view that they must retain complete freedom of action in or over the motherland. Although it is also possible that the Soviets will abandon this position when the other questions are resolved, we must keep working on the problem.

8. Main practical significance of Khlestov's statement of May 18, 1979,<sup>5</sup> on a comprehensive agreement lies in two points: (a) The Soviet side is well on its way toward concluding that the U.S. advocacy of a comprehensive agreement is either false or represents a sincere general view that has not been thought through as to practical implementation, and (b) it will be necessary for the U.S. to set forth specific proposals on dismantling if provisions for dismantling are to be worked on in the future. The Soviet side has not flatly refused to make reference to future negotiations; but Khlestov's statement also suggests that any commitment to continue negotiations will be couched in rather general terms. The credibility of U.S. advocacy of progress toward a comprehensive agreement would probably be further eroded if we do not join in the scope of a test-suspension suggested by the Soviet side. Concerning Khlestov's comments about third countries retaining freedom of action, there is no evident reason for the U.S. to refrain from raising, e.g., at the CD, the idea of a multilateral agreement starting from the position of a completed bilateral agreement.

9. Khlestov, in a side conversation incidental to a social encounter, told Buchheim that he very much wanted to plan on departing Vienna not later than June 1, 1979, because (a) Soviet Embassy is rapidly filling

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<sup>5</sup> In telegram 4927 from Vienna, May 18, the Embassy reported that Khlestov said "the very idea of a 'comprehensive' agreement has caused us to have serious doubts from the very beginning, and we have indicated this to the US Delegation many times." (National Archives, RG 59, Central Foreign Policy File, D790226-0408)



with people preparing for the summit meeting and (b) hotel in which Soviet Delegation is lodged is hounding him for a commitment on a departure date.

Wolf

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**52. Memorandum From the President's Deputy Assistant for National Security Affairs (Aaron) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 30, 1979

SUBJECT

ASAT Negotiations

We are at a critical point. We have the "Hostile Acts" part of our agreement virtually completed. It is a declaration that we will not attack, destroy or displace each other's satellites so long as they are operated in accordance with international law.<sup>2</sup> On the test suspension, the Soviets apparently are insisting that *we* halt some test programs to be equivalent to their halting their interceptor test program. In effect, they want us to either halt the shuttle test program or some aspect of the shuttle test program.

I believe you should now take a very strong line with Dobrynin. You should say that this agreement is being nibbled to death by the hamsters in the Soviet bureaucracy. The purpose of the agreement is to give a boost to SALT II. They are completely off base if they think we will somehow stop the shuttle in any of its aspects—particularly since the shuttle will not be used as an ASAT system in any respect. You can tell Dobrynin that the President will be prepared to make such assurances to President Brezhnev.

However, we do have an interceptor program and, if it is not possible to get a test suspension, they can be certain that we will pursue this program vigorously with a view toward carrying out necessary tests.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 4, Anti-Satellite System (ASAT): 7/77–10/80. Secret. Aaron did not initial the memorandum. The memorandum is stamped "ZB HAS SEEN."

<sup>2</sup> The joint draft text containing this declaration is available in telegram 5107 from Vienna, May 24; National Archives, RG 59, Central Foreign Policy File, D790235–1016.

The Soviets have also proposed that we divide the Hostile Acts agreement from the test suspension and only go ahead with the Hostile Acts agreement. This would be completely one-sided. In the Hostile Acts agreement, both sides agree to refrain from damaging or destroying each other's satellites—something that would only be done in event of war, in any case. In addition, we agree not to displace each other's satellites. That is a potential capability that only the United States has. You should argue with Dobrynin that our open-ended commitment not to displace satellites needs to be matched by their agreement to a test suspension, and there is no need for further program limits on the shuttle.

In sum,

—You should argue that there is a balance of obligations in the Hostile Acts and test suspension agreements taken together. We will not accept splitting them up.

—We could, if we chose, carry out an interceptor test within the 18-month period and might be compelled to do so in the absence of an agreement.

—We will never agree to limit the shuttle in an ASAT agreement, but the President is prepared to give personal assurances that it will not be used in that mode.

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**53. Memorandum From Secretary of State Vance and the  
Director of the Arms Control and Disarmament Agency  
(Seignious) to President Carter<sup>1</sup>**

Washington, June 6, 1979

SUBJECT

Antisatellite Negotiations

Considerable progress has been made in the ASAT negotiations. We recommend that an effort be made this week to push these negotia-

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 50, International Security Affairs, Negotiations, ASAT. Secret. A stamped notation reads "SECDEF HAS SEEN." In the upper-right hand margin, Brown wrote "6/9. WS [Walter Slocombe]—Doesn't the Delegation's proposal give up some of our highly classified programs? I suppose it depends on the language—'destroy/damage' might be OK. HB."

tions toward the conclusion of an initial agreement which could be signed at the Summit or closely thereafter.

The remaining issues have been described in an inter-agency status report forwarded to you separately.<sup>2</sup> The Soviets have agreed to the approach the US suggested—an initial agreement prohibiting certain actions against satellites and a temporary test suspension. The remaining problem is how to deal with a number of additional issues which the Soviets have raised. There is no need to reconsider our position on many of these issues, such as the scope of coverage of the prohibited acts agreement, and the Soviet proposals to ban non-destructive interference with satellites, to limit Shuttle operations, and to permit attacks on “illegal” satellites. The Delegation is pursuing solutions which are face-saving for the Soviets but retain the substance of the US approach. Cy has discussed the most troublesome of these, the proposed exemption for “illegal” satellites, with Dobrynin,<sup>3</sup> and plans to take this issue up again.

The one area where we recommend reconsideration of our position is the scope of the test suspension. Although the US goal is a comprehensive ban on all ASAT systems, we proposed an initial test suspension only on ASAT interceptors [*2½ lines not declassified*] and we should pursue this.) The Soviets have countered with a proposal to suspend testing to January 1981, of not only interceptors but any means of damaging or destroying satellites.<sup>4</sup> They point out, correctly, that a suspension of interceptor testing would appear one-sided and aimed only at their interceptor program. A broader suspension would appear more evenhanded (and allay their suspicions that we plan other forms of ASAT tests).

Since we plan no tests of any ASAT system before 1981, and the Soviets may be in a position to test lasers as well as interceptors during this period, we believe it would be in our interest to broaden our approach on the suspension. There are two ways we could do this:

We could replace our proposal for a ban on interceptor tests with an offer to exchange statements that neither side plans to test in space any means of damaging or destroying satellites before 1981, with notification to the other side if plans should change. This would not represent an obligation not to test, so the verification problem would be reduced. Some SALT issues were resolved with such exchanges of statements of plans.

The Delegation recommends a second approach—to retain a formal test suspension and broaden it to include all ASAT means. They

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<sup>2</sup> Not found.

<sup>3</sup> See Document 49.

<sup>4</sup> Not found.

believe this would be a significant step toward our objective of a comprehensive ASAT agreement, and it would prohibit all Soviet ASAT tests until 1981. They recognize the verification issue but believe it can be dealt with by citing (1) the fact that the US is giving up nothing because it plans no ASAT test of any kind during this period, (2) the limited duration, and (3) the breadth of our intelligence capability.

We recommend that we be authorized to explore a broader test suspension with the Soviets along the lines of the two discussed above. Depending on your preference we could try either one first (the Soviets would probably prefer the obligation to a statement of plans). We would make clear to the Soviets that we are prepared to take this step towards them provided the other issues in the Treaty can be resolved on the basis of our position.

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**54. Telegram From the Embassy in Austria to the Department of State<sup>1</sup>**

Vienna, June 13, 1979, 1537Z

5963. US ASAT Three 077. From Buchheim. Mil addressees handle as Specat. NASA for Krueger. Subject: (U) Remaining Unresolved ASAT Issues.

1. (Secret—Entire text).

2. During plenary meetings on June 8 and June 12 the US and Soviet Delegations reviewed the remaining issues that would have to be resolved before an agreement can be achieved. A summary of these outstanding ASAT issues follows.

A. Test suspension

The sides have agreed that the duration of a test suspension would be until January 1, 1981. The US side suggested suspending testing only of "interceptors of space objects." The Soviet side has also proposed suspending testing of "interceptors of space objects," but only if the US side will also agree (a) to suspend testing of any other means of destroying or damaging space objects, and (b) to suspend testing of any means for changing the trajectory of a space object including testing a

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790268-0007. Secret; Immediate; Exdis. Sent for information Immediate to the National Security Council, the Secretary of Defense, the Joint Chiefs of Staff, the Central Intelligence Agency, the National Aeronautics and Space Administration, and Moscow.

reusable spacecraft for such a purpose. The Soviet side has explained that their proposal for suspending testing of means to change the trajectory of or to displace from orbit a space object would not require a party to suspend testing of means internal to a space object for changing that space object's orbit, but that it would require suspension of testing of anyternal [*external*] means, particularly of reusable spacecraft, for changing the trajectories of space objects. The US side has said a complete suspension of tests of all external means for changing trajectory, including reusable spacecraft (i.e., shuttle), is unacceptable. The US side has also said the test suspension should only cover interceptors of space objects since these are the only means for damaging and destroying a space object which the sides currently understand fully and for which practical measures can be taken which would not adversely affect other programs. The question of format for a test suspension also remains unresolved: the Soviet side has proposed a joint statement; the US side has suggested a protocol to the treaty.

#### B. Article III "hostile acts" exclusion

The Soviet side has characterized this as the most important unresolved issue. Although they have deleted the phrase "hostile acts" from their proposed language, the Soviet side continues to insist that space objects which are deliberately used to commit acts against the national sovereignty of a party, including damage to its territory and national environment, be explicitly excluded from the coverage of the Article II provision banning certain acts against space objects. They have stated that no such hostile acts have been committed to date but that it is essential to them as a matter of principle to include such a provision in the text of an agreement. The US side has explored without success various ways of addressing the concerns which may lie behind this Soviet position by suggesting language affirming a party's right to self-defense as set forth in the UN Charter and language affirming the existing commitment in the Outer Space Treaty to carry out space activities in accordance with international law. The US side has made clear that Article III exclusion proposed by the Soviet side would seem to grant them the right, which we believe they do not now have, to use anti-satellite systems at their discretion, and is therefore unacceptable to the US side.

#### C. Article I definition of "interest"

Concerning the definition of "space objects in which a party has an interest," that is, regarding the class of space objects which would be covered by the agreement. The sides are in agreement on the criteria of entry on the national registry and use by a party (subject, on the US side, to satisfactory resolution of other outstanding ASAT issues). However, the Soviet side also insists, as a third criterion, that a space object must be launched by a party to be covered. The US side has said

this is unacceptable since it would exclude space objects launched by a third country which the US uses.

The Soviet side also insists on including the stipulation that a space object registered, launched, and used by the US but also used on a cooperative basis by a third country must be used solely "for peaceful purposes" if it is to be included in coverage. As reflected in the negotiating record of the Outer Space Treaty, use of this same phrase in the Outer Space Treaty involved extensive debate between the Soviet Union, which has interpreted this phrase to mean "for non-military purposes," and the US, which has interpreted the phrase to mean "for non-aggressive purposes." The Soviet side has declined to explain what this phrase would mean or why they consider its inclusion necessary in this agreement, and indicated that they prefer that a satellite used jointly with a third country for military communications of any sort would not be covered. It appears, for example, that all NATO satellites could be excluded from coverage by the Soviet interpretation of this phrase. The US side has said that inclusion of this phrase in the language of Article I is not acceptable.

#### D. Article I definition of "space object"

The sides have agreed that the definition of a space object in paragraph one of Article I is logically connected with whatever definition of a "space object in which a party has an interest" the sides may ultimately adopt in paragraph two. The sides have therefore agreed to set this issue aside until the "interest" definition is resolved. Nothing significant is involved in the bracketed language of this definition.

#### E. Articles II, IV, V and VI

The Soviet side has stated that there are no significant differences between the sides on the contents of the Article II prohibited acts provision, the Article IV accidental or unforeseen acts provision, the Article V consultations provision and the Article VI nonsupersession provision. However, the Soviet side has said they are unwilling to discuss these articles further until the major issues concerning Article III, Article I, and a test suspension have been resolved.

The US side has agreed that the differences between the sides on these three articles appear to be minor and may at this point be only drafting problems. The US side has repeatedly suggested that the sides continue to work on resolving these issues.

#### F. Title

On a title for the treaty, the Soviet side has proposed "Treaty on the Prohibition of Destruction, Damage, and Changing the Trajectories of Space Objects."

The US side has suggested "Treaty on the Limitations Against Space Objects and on Other Measures to Strengthen such Limitations and to Contribute to the Preservation of Peace in Outer Space."

### G. Preamble

The language for the preamble has been agreed between the sides, except that the Soviet side has reserved the option of reintroducing bracketed language concerning “acts incompatible with peaceful relations between states.”

Wolf

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## 55. Memorandum of Conversation<sup>1</sup>

Vienna, June 15, 1979, 3:15–4:00 p.m.

### SUBJECT

Vance-Gromyko Discussion of Joint Communiqué

### PARTICIPANTS

*U.S.*

Secretary of State Cyrus R. Vance

Dr. Marshall Shulman

Mr. Wm. D. Krimer, Interpreter

*U.S.S.R.*

Foreign Minister A. A. Gromyko

First Deputy Foreign Minister G. M. Korniyenko

Ambassador A. F. Dobrynin

Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to anti-satellite systems.]

### ASAT

The Secretary turned to the next item—to what would be said in the Communiqué about the ASAT negotiations. We could not understand why the language dealing with an issue of such major importance was still bracketed in the draft of the Communiqué.

Gromyko felt he had to tell the Secretary that on this question there was a substantial difference between the positions of the sides. It did not look as if this was something that could result in agreement here during the summit. Since this was so, what could they say about it in

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 9, Vance Nodis Memcons, 1979. Secret; Nodis. Drafted by Krimer on June 26. The meeting took place at the Soviet Embassy. Vance was in Vienna from June 15–18, accompanying Carter at the U.S.–USSR Summit.

the Communiqué? The only alternative would be to say that the sides would continue to seek measures that would resolve this problem.

The Secretary asked what did Gromyko consider to be the substantive difference that we could not bridge?

Gromyko replied that, first, there was the difference on the question of prohibiting the destruction of objects in space. Then, of course, it was also a question of the ownership of such objects. To whom did they belong? Did they belong to our two states or to everybody? There was also a difference between our positions here. All this was not mentioned in the draft of the Communiqué. We did have ongoing negotiations on ASAT and could continue them.

The Secretary said that it followed that discussion should be continued, and that could be reflected in the text of the Communiqué. As for destruction of objects in space, we had no such plans and the Soviet Union had no such plans. Why not say so?

Gromyko thought that was too bold a statement to make. The two sides did have a difference in views and he agreed that they wanted to make progress, but this was not the time or place to discuss these matters.

The Secretary said that was unfortunate. Inclusion of a mention of ASAT in the Communiqué would have added strength in terms of reassuring the world.<sup>2</sup>

[Omitted here is discussion unrelated to anti-satellite systems.]

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<sup>2</sup> The final communiqué for the U.S.–USSR Summit issued on June 18 ultimately included language on ASATs. Carter and Brezhnev “agreed to continue actively searching for mutually acceptable agreement in the ongoing negotiations on anti-satellite systems.” (“Joint U.S.–U.S.S.R. Communiqué,” Vienna, June 18, 1979, Department of State *Bulletin*, July 1, 1979, pp. 54–56)



**56. Memorandum of Conversation<sup>1</sup>**

Vienna, June 17, 1979, 11:00 a.m.–1:00 p.m.

SUBJECT

Third Plenary Meeting between President Carter and President Brezhnev  
Topics: SALT III and other arms control issues

PARTICIPANTS

*U.S.*

The President  
Secretary of State Cyrus R. Vance  
Secretary of Defense Harold Brown  
Dr. Zbigniew Brzezinski  
General David Jones  
Mr. Hamilton Jordan  
General G. Seignious  
Ambassador Malcolm Toon  
Mr. Joseph Powell  
Mr. David Aaron  
Mr. Wm. D. Krimer, Interpreter

*U.S.S.R.*

President L.I. Brezhnev  
Foreign Minister A.A. Gromyko  
Marshal D.F. Ustinov  
Mr. K U. Chernenko  
Deputy Foreign Minister G.M. Korniyenko  
Marshal N.V. Ogarkov  
Ambassador A.F. Dobrynin  
Mr. A.M. Aleksandrov-Agentov  
Mr. L.M. Zamyatin  
Mr. V.G. Komplektov  
Mr. A.M. Vavilov  
Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to anti-satellite systems.]

The President said we were ready to sign a partial agreement with the Soviet Union on anti-satellite systems, an agreement to bar any damage or destruction of satellites and announce publicly that neither side has plans to test anti-satellite missiles or systems.

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Vance Exdis Memcons 1979. Secret; Nodis. Drafted by Krimer on June 20; and approved by Aaron. The meeting took place at the Soviet Embassy. The memorandum of conversation is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 203.

[Omitted here is discussion unrelated to anti-satellite systems.]

Turning to anti-satellite systems, Gromyko said that Secretary Vance and he had discussed this matter just two days ago.<sup>2</sup> He did not believe it necessary to repeat what he had said to Secretary Vance. The President was well aware of the Soviet position. The difference between our respective positions was very great indeed, and he would ask the President to take a more objective look at this matter. An agreement could not possibly be one-sided, benefiting the United States alone.

When Gromyko turned to conventional arms transfers, the President interjected a few comments on the anti-satellite talks. We had not complained about the Soviet-manned Soyuz/Salyut flights, and had not asserted that they were anti-satellite systems. Our space shuttle will not be designed as an anti-satellite system. It was the very center of our space effort in the future. The President hoped that this would not be allowed to block progress in the talks because we are going to continue developing this vehicle. This was not a departure from our overall space effort, and if the Soviets took the position that the shuttle was being developed as an anti-satellite system, we would only assure them that it definitely was not.

Gromyko said that the Soviet Union was in favor of continuing these negotiations, but it would be impossible to reach agreement on the basis of the US position.

[Omitted here is discussion unrelated to anti-satellite systems.]

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<sup>2</sup> See Document 55.

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## 57. Editorial Note

On January 10, 1980, Richard Burt of the *New York Times* reported that anonymous U.S. officials said that "President Carter has instructed ACDA to stop arms control negotiations in the wake of the Afghanistan invasion." However, Department of State Spokesman Hodding Carter III denied that President Jimmy Carter had issued a memorandum containing such instructions. In his press guidance, Carter conceded that "the adverse political climate engendered by Soviet actions on Afghanistan already will have an impact on arms control. But as we have done in the past we will determine our policies in each arms control negotiations in accordance with our national interests. Where we see the possi-

bility for progress which will enhance our security we will move ahead.” Regarding anti-satellite negotiations, the Spokesman said “no date has been set for resumption of other negotiations in which we have been involved (The Spokesman was asked specifically about ASAT, CAT, and Indian Ocean. He repeated that no dates have been set for them.)” (Telegram 7624 to All NATO Capitals, January 11; National Archives, RG 59, Central Foreign Policy File, D800018–0763)

George Wilson of the *Washington Post*, meanwhile, “quoted Air Force Chief of Staff Lew Allen as predicting that current chill in U.S.–USSR relations will accelerate development of weapons to wage war in outer space. Allen, in making that prediction in an interview yesterday, said ‘there will be pressure on us to move out more quickly’ on weapons designed to knock down Soviet satellites used for spying, navigation and communication. Wilson said Allen ‘sounded regretful as he predicted Air Force will yield to that pressure.’ Allen said ‘I would still hope for reasonably strong agreement on continued noninterference’ with satellites U.S. and USSR have in space to check on compliance with SALT Treaty. Allen said ‘expectation of little progress’ in ASAT talks, together with ‘more concern about fragility’ of noninterference pledges, are sources of ‘pressure to proceed faster’ on antisatellite weapons.’ Allen said ‘we have capability to do that,’ adding that Air Force would exercise it in response to changed relationship with Soviet Union. Wilson said a four star general indicated extra money would go for anti-satellite weapons already well along in development rather than more distant possibilities such as lasers.” (Telegram 8435 to the Mission in Geneva, January 11, 1980; National Archives, RG 59, Central Foreign Policy File, D800020–0155)

## 58. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>

Washington, April 7, 1980, 1917Z

91540. Subject: Meeting of Assistant Secretary Vest With Soviet Minister Counselor Vasev, April 4: ASAT, SALT.

1. C—Entire text.

2. Summary: Soviet Minister Counselor Vasev called briefly on Assistant Secretary Vest April 4 to provide notification of the simultaneous launch of two Soviet ICBM's on April 5. Vest took the occasion to urge the Soviets not to conduct a test of an anti-satellite interceptor. End summary.

3. Soviet Minister Counselor Vasev asked to see Assistant Secretary Vest on April 4. He read and handed over following message:

"Guided by good will and in order to avoid any misunderstanding we deemed it necessary to inform the US side that a planned simultaneous launch of two strategic ballistic missiles within the national territory of the USSR will be conducted on April the 5th in the Soviet Union. The impact area of reentry vehicles is Kamtchatka Peninsula."

Vest expressed appreciation for the notification and noted that the US has provided notifications of ICBM test launches to the USSR.

4. Vest used Vasev's call to draw in general terms on talking points in para 5 regarding apparently imminent test of Soviet anti-satellite interceptor. Vasev replied that in the course of exploratory ASAT negotiations "all indications from the US side" were that the United States is not seriously interested in them. Vasev noted a "spate of reports" since the start of the negotiations, including official records of the Congress, showing that the function of the planned US space shuttle is "60 percent military". Vest reiterated our continuing interest in the negotiations and said that we are seriously studying the remaining unresolved issues. Vasev said he would report Vest's comments to Moscow.

5. ASAT talking points:

—Both sides stated at the Vienna summit that we would "continue actively searching for a mutually acceptable agreement" in the ASAT

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800174-0742. Confidential; Immediate; Exdis. Sent for information to USNATO. Drafted by McClean; cleared by Mark Palmer (PM/DCA), William Shinn (EUR/SOV), and Suzanne Butcher (S/S-O); and approved by Vest.

negotiations.<sup>2</sup> The Secretary reiterated this commitment to the negotiations in his recent testimony before the SFRC.<sup>3</sup>

—Since the talks began neither side has engaged in ASAT interceptor testing. This is an important indication of the seriousness with which both sides have viewed the pursuit of these negotiations and of our shared interest in preventing an arms race in space.

—However there is evidence that preparations are underway for an ASAT test. Specifically I am informed that you now have in orbit a target satellite.

—Should either side proceed to conduct anti-satellite tests, it would call into question the seriousness of that side's interest in achieving an agreement in this important new area of arms control.

—As you know we have tried to insulate our arms control negotiations from other aspects of our relationship with you. This action would add to the burdens on the already strained relationship between our two countries.

(—If asked: While we are not prepared now to suggest a time for scheduling a resumption of ASAT talks, we are seriously studying the remaining unresolved issues, including the proposals tabled by both sides at the last round of talks on a suspension of ASAT tests. We trust you are doing likewise.)

**Vance**

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<sup>2</sup> See Documents 55 and 56.

<sup>3</sup> In a March 27 statement before the Senate Foreign Relations Committee, Vance said “we will continue to pursue balanced and verifiable arms control agreements at other levels—in the mutual and balanced force reduction talks, on anti-satellite warfare, on banning nuclear weapons tests, on chemical warfare, and in other areas.” (Department of State *Bulletin*, May 1980, pp. 16–24)

## 59. Summary of Conclusions of a Mini-Special Coordination Committee Meeting<sup>1</sup>

Washington, June 10, 1980, 3:00–4:00 p.m.

### SUBJECT

ASAT (U)

#### *State*

Reginald Bartholomew, Dir., Bur.  
of Polit.-Milit. Aff.

Charles Henkin, Dep. Asst., Polit.  
Milit. Aff.

Stephen Bond, Asst. Legal  
Advisor for United Nations  
Affairs

#### *JCS*

BGen Joseph Skaff, Dep. Dir. for  
International Negotiations

Col Frank Jenkins, Chief, Strategic  
Negotiations Div. (J-5)

#### *NASA*

Phil Culbertson, Asst. for Special  
Transportation Systems

Gen. Frank Simokaitis, Dir. of the  
DOD Affairs Division

#### *WHITE HOUSE*

David Aaron

#### *OMB*

Al Burman

#### *OSD*

Walter Slocombe, Dep. Under  
Secretary for Policy Planning

Kent Stansberry, Staff Analyst

Edward Melanson, Dep. Dir. for  
Intel. Policy (Intl. Negotia-  
tions Foreign Intel.  
Exchanges)

#### *ACDA*

Spurgeon Keeny, Dep. Dir.

James Timbie, Strategic Affairs  
Division Chief, Intl. Security  
Programs Bureau

Amb. Robert Buchheim, Head,  
ASAT Delegation

#### *DCI*

Ray McCrory, Chief SALT  
Support Staff

[*name not declassified*], ACIS Staffer

#### *OSTP*

Ben Huberman

Art Morrisey

#### *NSC*

Jasper Welch

Victor Utgoff

Michael Berta

A Mini-SCC was held to discuss what we might do in another round of ASAT negotiations with the Soviets that might lead to making some progress. The first question discussed was: Should we consider making explicit exceptions in treaty coverage for satellites engaged in activities one or both sides might find unacceptable? (TS)

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 123, SCC 131, Mini-SCC, ASAT, 6/10/80. Top Secret. The meeting took place in the White House Situation Room.

After a short discussion of various ways for defining what would be covered and our own possible interests in taking defensive actions against clearly unacceptable satellite activities such as dispensing noxious gasses into the atmosphere, the chairman asked for agency views on this issue. (TS)

OSD said it found the idea of a general formula defining exceptions without legal reference attractive. ACDA argued that the agenda option<sup>2</sup> (no coverage for space objects causing significant physical injury, destruction or damage to a party to the agreement) protects what we want. The chair questioned the precise meaning of significant physical injury. OSD, NASA, JCS, and the head of the ASAT Delegation expressed concerns about the difficulties involved in constructing lists precisely defining what was covered and what was not. (TS)

The chair then summarized the group's apparent position as follows: (1) we recognize for ourselves the principle that seems to be bothering the Soviets, (2) we must know for ourselves what we want to protect and what we are willing or interested in having protected, (3) whatever specific formula we choose must be tested against such understanding, and (4) there is useful work to be done on this issue in another round of negotiations. There were no objections. (TS)

The chair then opened up discussion of the second agenda question: Should we consider broadening the test suspension from ASAT interceptors only, to all means for damaging space objects? After a short discussion of various techniques for broadening the suspension, the chair asked for agency views on this question. (TS)

State favored expanding the suspension to include lasers on the basis that we aren't going to be doing any laser testing in the next year to 18 months, while the Soviets might. State noted that its concerns about limits in our capability to monitor Soviet laser ASAT testing were largely offset by the intelligence community's judgment that the Soviets would not likely be motivated to cheat during the short suspension period being considered. JCS expressed concern about our low confidence in monitoring a laser test suspension, and added that it hated to rule out tests for an unknown period (the starting date of the 12–18 month suspension is uncertain). JCS admitted, however, that it would have no laser ASAT program requiring tests for at least the next several years. OSD noted that adding a laser test suspension actually toughens our position in principle—but noted his concerns over the

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<sup>2</sup> Not attached.

verification issue and said it needs more analysis. State noted the possibility of adding a collateral constraint to prohibit launch of ASAT test satellites. The chair expressed interest in this idea and called for development of a short paper summarizing the monitoring issue. (TS)

The group reaffirmed our current position on the shuttle, and agreed to the chairman's suggestion of January 1, 1982 as a more meaningful ending date for the test suspension. Finally, the JCS noted that the PD-50/ASAT analysis<sup>3</sup> should be coordinated to reflect completely the views of all agencies. (TS)

In summary, the group agreed that useful work could be done in another round of negotiations with the Soviets, certainly on the first main issue, and possibly on the second. (S)

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<sup>3</sup> Not found.

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## 60. Report Prepared in the Central Intelligence Agency<sup>1</sup>

Washington, August 7, 1980

### Soviet Interests in ASAT Talks

*If US-Soviet talks on limiting antisatellite (ASAT) weapons resume, the Soviets would have several specific objectives beyond reviving the arms control dialogue and putting Afghanistan farther behind them. They especially wish to extend to their other satellites legal protection akin to that afforded to satellites involved in monitoring SALT. In addition, they want to curtail or slow down US development of ASAT weapons while retaining the right to take action against satellites whose missions they consider inimical to Soviet interests. They would probably be willing to alter their positions somewhat on some of the remaining unresolved issues in order to obtain an accord. [handling restriction not declassified]*

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 4, Anti-Satellite System (ASAT): 7/77-10/80. Secret; [handling restriction not declassified]. A note at the bottom of the page reads: "This memorandum was prepared by the Office of Political Analysis and the Office of Scientific and Weapons Research. It has been coordinated with the Office of Strategic Research, the National Intelligence Officers for the USSR and Eastern Europe and for Strategic Programs, and the Arms Control Intelligence Staff. [Omitted here is information on where comments and queries may be addressed.]"



*Status of the Talks*

Three sessions of the US–USSR bilateral talks on limiting ASAT weapons have taken place since the United States proposed such negotiations in March 1977. So far, tentative agreement has been reached on two substantive elements of a possible accord:

—An article that would prohibit either party from destroying, damaging, or changing the trajectory or orbit of a space object in which the other party had an interest.

—An article requiring notification by either party in case of accidental or unforeseen risk to a space object of the other party.

The key issues that remain unresolved are:

—The definition of what space objects are to be covered by the agreement.

—Whether space objects that engage in hostile or illegal actions are to be excluded from coverage.

—The scope, duration, and format of a test suspension. [*handling restriction not declassified*]

The ASAT arms control negotiations are not regularly scheduled, and the beginning date and location for each session are decided by mutual agreement. At the close of the most recent session in Vienna in June 1979 (at the time of the US–Soviet summit meeting during which the SALT II treaty was signed) the Soviets indicated their interest in resuming the negotiations in Vienna in the fall of 1979, and it was agreed that there should be no unnecessary delay in setting up the next session. The talks, however, have not resumed. The atmosphere in US–Soviet relations worsened in the late summer and early fall, and the Soviet invasion of Afghanistan in December further clouded the future of ASAT talks by causing postponement of Senate consideration of SALT II and curtailment of other aspects of the bilateral relationship. [*handling restriction not declassified*]

*Activity Since the Last Session*

*Soviet Diplomacy.* Since the last session there have been indications of continued Soviet interest in resuming ASAT talks. In September 1979 and again in February 1980 the second-ranking member of the Soviet ASAT Delegation indicated to a US official that the Soviets had expected to hear from the United States regarding resumption of the negotiations. In April a Soviet Embassy official in Washington—after being told that a test of the Soviet antisatellite interceptor (against a recently launched target satellite) would be considered by the US to indicate a lack of Soviet seriousness toward the negotiations—complained that all indications pointed to a lack of serious US interest in ASAT talks. [*classification not declassified*]

*Soviet Public Commentary.* Shortly after the diplomatic conversation in February, Soviet press and radio commentaries seemed to indicate a growing Soviet concern over the expanding US military space effort. They cited in particular the increased US budget for space weapons and a potential military role for the US space shuttle. A *Red Star* article in March called for international talks as a means of curbing the US military space programs. A Warsaw Pact declaration issued in mid-May and an editorial published in *Pravda* on 17 June called for the resumption of all disarmament negotiations that had been suspended or broken off. [3½ lines not declassified]

[2 paragraphs (25 lines) not declassified]

### *Soviet Objectives*

*Protecting Soviet Space Systems.* A main Soviet objective is to extend to other important satellite systems, especially those that serve national security purposes, legal protection akin to that afforded satellites involved in monitoring SALT. From the outset of the talks the Soviets have expressed a willingness to sign a relatively simple treaty having satellite protection as its principal operative provision. To this end Moscow has tentatively agreed to a provision that would mutually prohibit damage, destruction, or changes in the trajectory of any space object in which the sides have interests. [handling restriction not declassified]

Moscow insists that a comprehensive agreement, which would include a requirement to dismantle existing ASAT systems, a ban on ASAT development and deployment, and a test suspension, is unrealistic. Implementation of an agreement to liquidate existing ASAT systems would be difficult for the Soviets to accept because equipment used in their ASAT system is used in other important space systems as well. [handling restriction not declassified]

The Soviet dependence on space systems for a variety of purposes, including military, will grow in the future, and the legal regime of mutual protection sought by Moscow would help assure that its investment in space will return maximum benefits. A simple treaty would allow the Soviets to maintain their orbital interceptor as a contingency against possible abrogation of the treaty, the use by other nations of space objects for hostile acts, or war. [handling restriction not declassified]

*Preserving Soviet Sovereignty.* The Soviets remain distrustful of certain activities the United States could undertake in space. They want the treaty to limit the definition of "space objects in which a party has an interest" to those used exclusively by either of the two sides and those used jointly by either side with other states "for peaceful purposes"—that is, for non-military purposes. If adopted, this provision could be used by the USSR to claim that a potentially wide range of sat-

ellites is excluded from the treaty's jurisdiction. [*handling restriction not declassified*]

They also insist on reserving the right to take action against activities they consider inimical to Soviet interests. The Soviets insist that an ASAT treaty exclude from its protection provision those satellites that deliberately engage in "hostile" or "illegal" actions against the other country. Such actions, according to Moscow, include non-weapons-related activities and are defined as acts that violate a state's sovereignty, its air space, or its territory, or that damage its environment. The Soviets have cited several examples of activities that would render a satellite legally unprotected according to their position, including the use of direct broadcast satellites without prior consent. A similar issue—which has not been discussed at the ASAT talks but has been raised repeatedly by the USSR in the UN Outer Space Committee—is the sharing of information about a country from a civilian program such as LANDSAT if that country regarded the information as not serving a peaceful purpose. This Soviet approach, stressing the missions of satellites, contrasts with the US approach, which focuses on space objects themselves, and has implications for US space cooperation with its allies and other countries, including China. [*handling restriction not declassified*]

*Constraining US Programs.* The Soviets are aware that the United States is developing a "miniature homing vehicle" ASAT weapon system that is designed to be considerably more capable than their own orbital interceptor. They are also aware of the superior US technology base that would enable the United States to outpace them in developing future ASAT weapon systems, including laser systems (they know about the efforts of the Defense Advanced Research Projects Agency to develop space-based and land-based laser ASAT systems). [*handling restriction not declassified*]

They are concerned too about the ASAT potential of the space shuttle, in particular about its capability to change the trajectories of space objects. Although they have raised in the ASAT talks their concern about the shuttle, they probably realize that the United States would never agree to significant limitations on its testing, and they are in any case probably more worried for the long term about the specific US ASAT weapons programs. [*handling restriction not declassified*]

Since they already possess a usable ASAT interceptor weapon that has been successfully tested and the United States does not, the Soviets have resisted US efforts to limit a test suspension to interceptors of space objects. Instead, they have argued that the test suspension should accord with the treaty provision on prohibited acts by applying to "any means" of damaging, destroying, or changing the trajectory of a space object, not just interceptors. [*handling restriction not declassified*]

*Reinforcing the USSR's "Superpower" Status.* As demonstrated in the recent series of manned Soviet space flights involving nationals from various "socialist" countries (including most recently a Vietnamese cosmonaut), the USSR sees its space program serving important political as well as technical military purposes. The bilateral nature and highly technical subject of the ASAT talks underscore the "superpower" status of the USSR and its image as an equal of the United States. (In arguing that they cannot accept a test suspension that would affect only their ASAT interceptor program, the Soviets have maintained that the provision must "look" good as well as be good.) These same features of the talks, the Soviets hope, will serve to remind the United States that it must look to the USSR—not to China or other powers—for resolution of certain critical security problems. [*handling restriction not declassified*]

*Maintaining the Arms Control Dialogue.* The Soviets almost surely view ASAT negotiations as a useful part of the overall arms control dialogue with the United States. Aside from its indirect contributions to the overall economic and political relationship, the entire arms control process, including ASAT, contributes a measure of predictability to the Soviet security environment. In a period when the centerpiece of the dialogue, SALT, is in trouble, and when the overall strategic arms competition appears to be increasing, talks on other questions such as theater nuclear forces or ASAT are seen by the Soviets as a means of keeping the dialogue from languishing. [*Classification not declassified*]

### Outlook

The Soviets would welcome resumption of the talks and probably still actively desire a bilateral ASAT accord. They probably feel that their private inquiries in late 1979 and early 1980, combined with their public call for resumption of interrupted talks, remain sufficient indications of their interest. [*handling restriction not declassified*]

The Soviets probably realize that alterations in their positions on some of the unresolved issues will be necessary. The most likely area for change is the test suspension. The current Soviet position on this issue, which addresses "any means" of damaging, destroying, or changing the trajectory of a space object, was probably adopted to counter and perhaps even to remove what they regarded as a one-sided US position. They seemed taken aback when told that this position would limit some of their own current systems used for, or in support of, manned missions (i.e. Salyut, Soyuz, Progress). A long-term test suspension, combined with an exception for manned or reusable systems, might come to be viewed in Moscow as suited to the Soviet aim of constraining the long-term, potential, US ASAT threat. Even if a long-term suspension could not be agreed upon, the Soviets might still hope that such a proposal would cause the United States to drop its insistence on

having a test suspension. This could enable the sides to agree to the sort of minimal treaty Moscow has sought from the beginning. [*handling restriction not declassified*]

Prospects for change are less clear for the sovereignty issues, where the Soviets have shown little flexibility. Their longstanding record of applying a very broad definition to what is encompassed in state sovereignty suggests no likelihood for Soviet compromise in this area.<sup>2</sup> [*handling restriction not declassified*]

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<sup>2</sup> The ASAT negotiations were not resumed during the last five months of the Carter administration.

# Chemical and Biological Weapons; The Sverdlovsk Incident

## 61. Memorandum From the Acting Director of the Arms Control and Disarmament Agency (Sloss) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>

Washington, February 4, 1977

### SUBJECT

Chemical Weapons Study

The purpose of this memorandum is to recommend that a study be conducted, on an urgent basis, of US chemical weapons policy.

### *Current Situation*

When the Geneva-based Conference of the Committee on Disarmament (CCD) reconvenes on February 15, 1977, it can be expected to center its attention on chemical weapons limitations and a comprehensive test ban, the two items of highest priority on its agenda. There is a general expectation among CCD members that detailed consideration of CW limitations will continue and indeed intensify during 1977. A short delay in advancing US CW positions may be understood due to the change of Administration, but US participation in the Committee's CW work this year is clearly anticipated.

It is also very likely that at the outset of the CCD session the Soviets will again approach the US about resuming bilateral consultations concerning a joint initiative on chemical weapons limitation. (The US and USSR agreed at the July 1974 Moscow Summit to discuss the possibility of such an initiative at the CCD.)<sup>2</sup> At the end of the first round of consultations, held in Geneva in August 1976, it was agreed to hold another round at a later date to be determined.<sup>3</sup> During last fall's UNGA, the Soviets inquired at a high level as to US views on resuming the

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 44, PRM-27 [1]. Confidential.

<sup>2</sup> At the summit, the two sides "reaffirmed their interest in an effective international agreement which would exclude from the arsenals of States such dangerous instruments as chemical weapons." ("Joint American-Soviet Communiqué, July 3, 1974, *Documents on Disarmament*, 1974, pp. 232-243)

<sup>3</sup> Telegram 6837 From Geneva, August 27, 1976, contains a communiqué that was released on August 30 that announced that talks would resume at a later date. (National Archives, RG 59, Central Foreign Policy File, D760327-1079)

talks; we suggested that the two countries' CCD Representatives would take up the question of scheduling at the spring 1977 session.

### *Present US Policy*

The United States is firmly committed to the objectives of complete and effective prohibition of all chemical weapons. This commitment has been reiterated on many occasions by past Presidents and other senior officials. It is consistent with the US commitment in the 1971 Biological Weapons Convention to continue negotiations toward that end.

### *Pending Policy Issues*

The National Security Council has had under study two broad issues in the area of chemical warfare policy. NSSM 157<sup>4</sup> addressed possible treaty alternatives for achieving restraints on the possession of chemical weapons, and NSSM 192<sup>5</sup> examined alternatives for the US chemical warfare posture, mainly aimed at the question of whether or not to proceed with the acquisition of binary CW munitions.

Two Senior Review Group meetings were held to consider the alternatives developed in these two NSSM studies, but no consensus emerged on the closely-linked issues of the military need for modernization of the US CW stockpile and acceptable CW treaty restraints where the verification of compliance is incomplete. Rather than moving these issues to the President for resolution and decision, it was decided to await the outcome of an internal DOD reassessment of its position on binary acquisition and acceptable arms control approaches. This reassessment has recently been concluded, and the results are reflected in a memorandum sent to Mr. Scowcroft by Secretary Rumsfeld on December 23, 1976.<sup>6</sup> That memorandum proposed:

—A specific arms control approach for international CW restraints, involving a phased total ban on CW stocks and limited on-site verification;

—deferral for a reasonable time of binary production, pending the outcome of international negotiations on CW restraints;<sup>7</sup>

—FY 1978 funding of a standby binary production facility.<sup>8</sup>

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<sup>4</sup> NSSM 157, July 28, 1972, is printed in *Foreign Relations, 1969–1976*, vol. E–2, Documents on Arms Control and Nonproliferation, Document 263.

<sup>5</sup> NSSM 192, February 7, 1974, is scheduled to be printed in *Foreign Relations, 1969–1976*, vol. E–14, Part 2, Documents on Arms Control, 1973–1976.

<sup>6</sup> Not found.

<sup>7</sup> There has been no US production of lethal or incapacitating CW agents since 1968. [Footnote is in the original.]

<sup>8</sup> Such requests had been deleted by the Congress from the FY 1975 and FY 1976 budgets. No request was included in the FY 1977 budget. [Footnote is in the original.]

After a Senior Review Group meeting was held December 29<sup>9</sup> to discuss the last item, President Ford decided that this issue could be handled more appropriately by the new Administration. Since the arms control issue was considered to be a matter for the new Administration, it was not addressed.

ACDA believes that the chemical weapons field provides an excellent opportunity for this Administration to further demonstrate the interest of the United States in arms control by undertaking an initiative.

*Recommendation*

In view of the need to address the issue of chemical weapons limitations in multilateral and bilateral US-Soviet discussions in the near future, it is important to attempt to resolve pending CW arms control policy issues. ACDA recommends, therefore, that a study be conducted, on an urgent basis, using as a point of departure the proposals made by DOD last December. Attached are suggested terms of reference for such a study.<sup>10</sup> In parallel with this study I believe it would be useful to ask the intelligence community for a new assessment of foreign CW capabilities and policies.

**Leon Sloss**<sup>11</sup>  
*Acting*

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<sup>9</sup> The Senior Review Group Minutes is scheduled to be printed in *Foreign Relations*, 1969–1976, vol. E–14, Part 2, Documents on Arms Control, 1973–1976.

<sup>10</sup> Attached but not printed is the list of terms.

<sup>11</sup> Sloss signed “Leon” above this typed signature.



## 62. Telegram From the Department of State to the Embassies in the Soviet Union and the United Kingdom<sup>1</sup>

Washington, February 17, 1977, 0023Z

35924. Subject: Geneva Protocol and Biological Weapons Convention. Ref A: State 034014<sup>2</sup> B: State 034003 C: State 033992.<sup>3</sup>

1. Please inform appropriate Foreign Ministry officials that USG is approaching states which are not already parties to the Geneva Protocol of 1925 (Ref. A) and the Biological Weapons Convention (Refs. B and C), to encourage their adherence. We believe this is particularly opportune time in view of resolutions at recent UNGA urging states to become parties to these agreements.<sup>4</sup>

2. For London: You should note that the US welcomed the reference to the Biological Weapons Convention by Lord Goronwy-Roberts in his speech at the CCD on 1 July 1976: he stated that “my government feels they have a special responsibility—and I am sure my Soviet and United States colleagues agree—to work for greatly increased membership of this Convention.” You should inquire informally whether the UK has already made approaches to encourage adherence. If not, you should suggest informally that, in view of key British role, both in ne-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770056–0861. Confidential. Sent for information to Geneva, USUN, and Paris. Drafted by Robert Mikulak (ACDA/NTB/WT); cleared by Tuchman, David Anderson (DOD), Homer Phelps (PM/DCA), Jon Glassman (EUR/SOV), John Shumate (EUR/NE), Floweree, John McNeill (ACDA/GC), and Peter Sebastian (S/S); and approved by Thomas Davies (ACDA/NTB).

<sup>2</sup> In telegram 34014 to Kabul and other posts, February 15, the Department of State reminded the ambassadors to some three dozen nations that their host countries had not ratified the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. The U.S. Government believed that adherence to the Protocol “would be a significant and constructive contribution to the broadly-supported effort to prevent chemical or biological weapons from ever being used” and directed the ambassadors to “approach host government at appropriate time and level to encourage adherence to protocol and then report reaction.” (National Archives, RG 59, Central Foreign Policy File, D770054–0753)

<sup>3</sup> Telegrams 34003 and 33992, both dated February 15, reminded the ambassadors that their host nations had either signed but not ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons and on their Destruction which entered into force on March 26, 1975 (Telegram 34003 to Buenos Aires and other posts) or not signed/acceded to the Convention (Telegram 33992 to Algiers and other posts). The instructions mirrored those of telegram 34014 to Kabul and other posts, and added that the United States wanted other nations to adhere to the Convention’s “requirement for destruction of existing stocks” of biological weapons. (National Archives, RG 59, Central Foreign Policy File, D770054–1034 and D770054–0986 respectively)

<sup>4</sup> Reference is to “General Assembly Resolution 31/65: Chemical and Bacteriological (Biological) Weapons,” December 10, 1976, *Documents on Disarmament*, 1976, pp. 908–910.

gotiation of the Biological Weapons Convention and as one of the three depositaries, UK may wish to consider doing so. You may inform them that we are also approaching the USSR on this question.

3. For Moscow: You should suggest informally that, in view of key Soviet role, both in negotiation of the Biological Weapons Convention and as one of the three depositaries, USSR may wish to make similar approaches to encourage adherence to the Convention. At your discretion, you may also suggest that USSR consider approaching states to encourage them to become parties to the Geneva Protocol.

Hartman

### 63. Telegram From the Department of State to the Mission to the North Atlantic Treaty Organization<sup>1</sup>

Washington, March 18, 1977, 2333Z

61090. Subject: Consultations With Allies on Chemical Weapons. Ref: (A) State 053094;<sup>2</sup> (B) USNATO 1264;<sup>3</sup> (C) USNATO 1358.<sup>4</sup>

1. This message transmits text of paper promised Ref A, in response to recommendations contained Ref B, para 3 (C) and Ref C.

2. Please communicate following US paper to PolAds: Begin text. In response to the discussion paper on chemical weapons (CW) limita-

<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770095-0968. Confidential; Priority. Sent for information to the Mission at Geneva, USUN, Moscow, London, and Paris. Drafted by Robert Mikulak (ACDA/NTB/WT); cleared by Tuchman, Homer Phelps (PM/DCA), John Hawes (EUR/RPM), Leo Reddy (S/S), David Ahlberg (DOD), George Humphrey, and Floweree; and approved by Thomas Davies (ACDA/NTB).

<sup>2</sup> In telegram 53094 to Bonn and other posts, March 18, the Department of State instructed the Embassy in Bonn to inform the West German government that the United States believed that "it would be premature to discuss CW issues in broad NATO forum at this time when US policy study has not yet been completed." (National Archives, RG 59, Central Foreign Policy File, D770081-1161)

<sup>3</sup> In this March 8 telegram, the Mission to NATO advised that the United States consult all the NATO allies about its chemical weapons policy while it simultaneously negotiated with the Soviets. (National Archives, RG 59, Central Foreign Policy, [no film number])

<sup>4</sup> In this March 10 telegram, the Mission to NATO advised the Department of State that many of the NATO allies had expressed interest in consultations with the United States on chemical weapons policy. (National Archives, RG 59, Central Foreign Policy, [no film number])

tions circulated by the Delegation of the Federal Republic of Germany<sup>5</sup> the United States Delegation wishes to convey its views and to inform other Delegations of several recent developments in the CW field.

At this time the new US administration is taking a fresh look at CW policy with a view to resolving longstanding issues. As part of this review we are examining CW policy alternatives, including arms control and military posture options, as well as the future direction of CW arms control discussions in both the bilateral (US-Soviet) and multilateral (CCD) arenas.

The United States, like the Federal Republic and other allies, believes that the military and political implications of a CW prohibition make consultations among NATO member states important prior to negotiation of a chemical weapons agreement. Because our policy review is as yet incomplete, we are not at present prepared to take a definite position on some of the principles presented in the FRG discussion paper, though they are generally consistent with our own views. We will, of course, welcome full discussion in NATO once our policy review is completed.

For its part the United States is firmly committed to the objective of complete and effective prohibition of chemical weapons. To this end the United States has entered into discussions of the prohibition of chemical weapons both at the Conference of the Committee on Disarmament (CCD) and with the Soviet Union.

In the US view, for any approach to chemical weapons prohibition to be effective, it must be a balanced one. Satisfactory assurance must be provided to a state that it is not increasing the risk to its national security in becoming a party and that opportunities are not created for any state to gain a unilateral advantages over others. For this reason any CW agreement should provide for independent, international verification.

We also wish to inform our allies that a second round of US-Soviet bilateral consultations on CW limitations, pursuant to the July 1974 Summit communiqué,<sup>6</sup> will be held in Geneva during the period March 28–April 8. At that time specialists from both sides will be present for informal meetings of the CCD with chemical weapons experts. The US representatives taking part in the consultations will be instructed to focus on technical issues related to CW limitations and will not be in a position to begin negotiating a joint initiative.

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<sup>5</sup> An official from the West German Embassy handed his Government's proposal for chemical weapons consultations to Sloss on March 3. The text of the proposal is in telegram 49286 to Bonn and other posts, March 5; National Archives, RG 59, Central Foreign Policy File, D770076–0819.

<sup>6</sup> See *Public Papers: Nixon, 1974*, pp. 567–582.

In our view it might be possible to undertake consideration of a joint US-Soviet initiative during further consultations, to be held before the summer session of the CCD; however, a final decision on this matter cannot be taken until our review is completed. We will keep our NATO allies informed of developments along this line.

For this reason and because CCD expectations appear to be relatively high regarding prospects for the start of negotiations on the text of a CW convention during the CCD's 1977 summer session, we believe that every effort should be made to complete initial Alliance consultations on CW before the beginning of the summer session.

The United States notes that chemical weapons is one of the principal topics on the agenda of the disarmament experts' meetings scheduled for late April. During these meetings the U.S. representative will provide a report on the status of our policy review and on the bilateral US-Soviet consultations. End text.

Vance

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#### 64. Memorandum of Conversation<sup>1</sup>

Moscow, March 30, 1977, 11:15 a.m.–2:15 p.m.

##### SUBJECT

Berlin, Cyprus, Arms Control, CSCE, Bilateral Matters

##### PARTICIPANTS

###### *UNITED STATES*

Secretary Cyrus R. Vance

Ambassador Malcolm Toon

Mr. Paul Warnke

Assistant Secretary Arthur Hartman

Mr. William Hyland

Deputy Assistant Secretary Slocombe

Mr. William D. Krimer, Interpreter

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Vance to Moscow, March 28–30, 1977. Secret; Nodis. Drafted by Krimer on April 12; reviewed in draft by Hyland; and approved by Twaddell on April 12. The meeting took place at the Kremlin. The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 21. Vance visited Moscow March 28–31.

*USSR*

Foreign Minister A.A. Gromyko

Deputy Chairman of the Council of Ministers L.V. Smirnov

Deputy Foreign Minister Georgiy Korniyenko

Ambassador A.F. Dobrynin

Mr. O. Sokolov

Mr. V.M. Sukhrodrev, Interpreter

[Omitted here is discussion unrelated to chemical weapons.]

### *CHEMICAL WEAPONS*

Gromyko said that he would like to instruct his representatives in Geneva to suggest that the CCD start drafting the text of an agreement on chemical weapons, provided the United States agreed of course. In the process of drafting, some problems might simply disappear. So far the CCD had indulged in philosophical discussions. This is all he had to say on the subject. (He remarked that this was the briefest statement he had ever made on any issue.)

The Secretary agreed that some progress had been made through discussions between technical people in this area. We were ready and willing to join with the Soviet Union in this initiative. We would see if working on the text of an agreement might not change our respective stand on issues on which we had different views, although our goals were the same.

Gromyko said we should instruct our representatives to get to work.

[Omitted here is discussion unrelated to chemical weapons.]

## 65. Telegram From the Department of State to the United States Mission to the North Atlantic Treaty Organization<sup>1</sup>

Washington, April 20, 1977, 2201Z

89099. Subject: NATO Disarmament Experts April 21–22: Instructions for USDEL. Ref: USNATO 1134.<sup>2</sup>

1. Following are instructions for the US Representative to the NATO Disarmament Experts, Spring 1977 meeting. Talking points are arranged according to agenda items as listed Reftel:

[Omitted here is discussion unrelated to chemical weapons.]

### IV. Chemical Weapons

—The U.S. is currently reviewing CW arms control issues. We expect this review to be completed in the near future and, after consultations with our allies, possibly to provide the basis for a proposal to the U.S.S.R.

—A second round of consultations at the expert level on CW was held with the Russians in Geneva during the period April 1–April 8.<sup>3</sup> These consultations were pursuant to the agreement to consider a joint initiative reached at the July 1974 summit, but the US Del was not authorized to begin negotiations on a treaty. The Soviets are clearly impatient and appear anxious to begin preparing a joint initiative. The tone of the consultations was courteous and businesslike.

—The consultations focused on technical questions related to CW arms control, particularly in the areas of scope of prohibition and of verification. In this respect the consultations represented an extension of the first round, which was held in August 1976.

—Little new ground was broken in the consultations. Because our review has not been completed, the U.S. was not in a position to present a proposal. For their part, the Soviets reiterated their well-known views

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770138–0156. Confidential; Immediate. Sent for information to the Mission at Geneva, USUN, the Central Intelligence Agency, the National Security Council, and the Department of Defense. Drafted by Michael Congdon (ACDA/IR); cleared by Lyall Breckon (PM/DCA), Flowerree, Thomas Hirschfeld (S/P), John Hawes (EUR/RPM), Giles Harlow (DOD/ISA), Jon Glassman (EUR/SOV), and Margot Mazeau (ACDA/GC); and approved by William Stearman (ACDA/IR).

<sup>2</sup> In telegram 1134 from USNATO, March 2, the Mission notified the Department of State that NATO's spring disarmament experts meeting would meet on April 21 and 22. (National Archives, RG 59, Central Foreign Policy File, [no film number])

<sup>3</sup> Telegram 2635 from Geneva, April 6, and telegrams 2660 and 2674, from Geneva, both April 7, relayed the U.S.-Soviet CW discussions. (National Archives, RG 59, Central Foreign Policy File, D770120–0582, D770122–0124, and D770123–0073 respectively)

on verification and maintained their negative position on technical exchange visits. Overall, progress was slight.

—During the consultations, the U.S. suggested that any joint initiative take the form of agreed key elements of a CW agreement, rather than a draft treaty text. (If asked: the preliminary reaction of the Soviet side was that while a full treaty text was not necessarily required, they preferred to have the key elements in treaty language.)

—It was agreed to continue the discussions, although no date was set. We have indicated to the Soviets that further discussions could be held before the CCD summer session, which begins July 5. This will however depend upon the state of our review and subsequent consultations with allies.

—During Secretary Vance's recent visit to Moscow,<sup>4</sup> it was agreed to establish a U.S.-Soviet working group on CW. No decision has yet been made on how to proceed with this group, although it is likely that this group will provide the forum for continuation of the bilateral consultations already underway.

[Omitted here is discussion unrelated to chemical weapons.]

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<sup>4</sup> See Document 64 and footnote 1 thereto.

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## 66. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, May 18, 1977

SUBJECT

A PRM on Chemical Warfare

### *Background*

The United States is publicly committed to the objective of a complete prohibition of chemical weapons. The Biological Weapons Convention which we signed in 1971 contained a specific commitment to continue negotiations toward that end.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 61, Chemical/Biological Weapons. Secret. Sent for action.

This year, the two main issues on the agenda of the CCD (The UN Comprehensive Committee on Disarmament) are CW and CTB. The US more or less promised last year that it would have new proposals in 1977, and expectations are very high. Both the Japanese and the British have already presented draft treaties which propose a total prohibition of CW.<sup>2</sup> The Soviets approached us at the beginning of the last CCD session in February, again seeking to set a date for bilateral talks on this issue. We agreed only to talks on technical issues, but had to put off their request for talks on terms of a treaty, since we did not have an agreed interagency position. A CW group was one of the eight working groups agreed on during Vance's Moscow trip,<sup>3</sup> lending added urgency to the need to develop a US position.

#### *Current Situation*

We had originally thought that a coordinated US negotiating position could be worked out at the staff level without a formal PRM but that effort has failed. Defense, and especially the Joint Chiefs, are determined to do a broader review covering questions of force posture and modernization, and military risks, before they will agree to discussions on an arms limitation approach. The attached PRM draft is more narrowly focused than Defense originally wanted, but it satisfies DOD as well as State and ACDA.

Timing is now urgent. The next CCD session begins in early July, but the US agreed in Moscow to bilateral CW talks preceding that Conference. Those talks would have to begin in late June, and we would need about three weeks for consultations with NATO Allies before then. So we will need to have an option paper ready for your decision by the end of the first week in June.

#### *RECOMMENDATION:*

That you approve the issuance of the attached PRM.<sup>4</sup>

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<sup>2</sup> The Japanese proposal is in telegram 2294 from Geneva, March 25; National Archives, RG 59, Central Foreign Policy File; and the British proposal is in telegram 2622 from London, February 14; D770103-0322 and D770052-0596 respectively.

<sup>3</sup> See Document 64 and footnote 1 thereto.

<sup>4</sup> Carter checked the "Approve" line.



**67. Presidential Review Memorandum/NSC–27<sup>1</sup>**

Washington, May 19, 1977

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence

SUBJECT

Chemical Warfare

The President has directed that the Special Coordination Committee undertake a review of the US chemical warfare (CW) posture with a view toward developing CW arms limitation options.

The review shall include:

1. An assessment of the nature and trends of the CW threat, to be prepared by the Intelligence Community.

2. A definition of alternative military strategies for deterring CW, and limiting its effect if deterrence fails. Each strategy description shall include an evaluation of:

- supporting force postures and programs, including costs.
- associated military risks
- US and allied technological capabilities, and military and social constraints
- impact on US allies
- effect of use on military operation including incentives for first use of chemicals

3. An evaluation of arms limitation options. Analysis shall include consideration of:

- net effect on US security, including impact on US Allies
- contribution to US-Soviet relations and to other foreign policy interests
- verification and compliance requirements
- possibilities for successful negotiation

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 61, Chemical/Biological Weapons. Secret. Sent for action. Carter wrote “ok, J” in the upper right corner of the memorandum. Underneath, Brown wrote “5/20. ISA—Since our military are so concerned about the CW threat, we should look carefully at the possibility reducing the threat by CW arms limitation. HB.”

The review shall be completed by June 1 and shall not exceed 25 pages.<sup>2</sup>

**Zbigniew Brzezinski**

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<sup>2</sup> "Response to PRM/NSC-27: Chemical Warfare" was submitted to the SCC on June 1 and is available in Washington National Records Center, OSD Files: FRC 330-80-0017, 370.64 CBR (June) 1977.

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## 68. Summary of a Policy Review Committee Meeting<sup>1</sup>

Washington, June 8, 1977

### PARTICIPANTS

<i>State</i>	<i>ACDA</i>
Warren Christopher	Spurgeon Keeny
Reginald Bartholemew	Robert Mikulak
<i>Defense</i>	<i>NSC</i>
Charles W. Duncan	David Aaron
Lynn Davis	Jessica Tuchman
<i>JCS</i>	<i>OMB</i>
Lt. Gen. William Smith	Bert Lance
	Randy Jayne

The meeting opened with a brief review of CW diplomatic history by Keeny, who also reviewed verification issues. Our information base on CW is very poor: a result not only of a lack of access to Soviet activities, but also of a relative lack of effort devoted to CW intelligence collecting. An acceptable treaty should include more than national technical means of verification, since these are inherently inadequate for verifying production and stockpiling programs. A general discussion followed on the question of verification and whether accepting a CW treaty with relatively weak verification provisions might set any precedent for other more critical negotiations such as CTB and SALT. Aaron argued that this would not set a precedent, since what we insist upon is what is necessary for our security in each individual case. Several participants noted that we had accepted the Biological Warfare Convention with *no* verification provisions, because we believed that the risks

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 86, SCC 015, Chemical Warfare Limitation and Programs, 6/8/77. Secret.

of non-compliance were far outweighed by the benefits of the treaty both from the point of view of superpower activities, and to prevent spread of biological warfare programs to other nations.

Duncan briefly reviewed the US-Soviet military imbalance in the CW area. Compared to the Soviets we have virtually no CW offensive capability and our defensive capability is far inferior to theirs. Bartholomew raised the point that this was precisely why the Soviet interest in CW is so important. They know that we have a very inadequate capability, and that congressional and allied opinion are strongly against additional CW development, and yet, though the status quo is all in their favor, *they* are the ones who have been pushing for a treaty. One would have expected precisely the opposite. No one has the answer to why they are so interested in a treaty, but it is important to note. Duncan seconded this argument and made the additional point that with our small capacity now, we are at risk already, and that trying for a CW treaty can therefore only improve our position from the point of view of national security.

On the type of treaty desired, there was unanimous agreement in support of a comprehensive treaty. The proposed key elements of such a treaty were then reviewed. *All agencies* approved the proposed elements as written. Keeny noted however that a ban on *defensive* activities is not included in these elements. Such a ban has been studied in the past and thought to be politically impossible. It was agreed that it might be useful to look at this question again, but Christopher stipulated that this should not hold up the negotiations in any way. Duncan, Keeny and Smith strongly concurred.

Duncan opened the discussion of military options by saying that Defense was badly split. The Joint Chiefs and DDR&E support Option 1<sup>2</sup> while Secretary Brown, Duncan and ISA all support Option 3.<sup>3</sup> General Smith said that the Joint Chiefs believe that construction of a new CW facility would provide us with additional negotiating leverage. Also, the JCS is concerned over the size of the Soviet CW capability, and believe that CW may play an important role in Soviet military doctrine. In expressing State's support for Option 3, Christopher noted that our allies would be very upset if the US were to proceed with either of the force improvement options (Options 1 and 2). ACDA and OMB also support Option 3.

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<sup>2</sup> Option 1 called for the "modernizing" of the chemical retaliatory stockpile. See "Talking Paper for the Secretary of Defense and the Chairman of the Joint Chiefs of Staff at the SCC Meeting, June 8, 1977," undated, Washington National Records Center, OSD Files: FRC 330-80-0017, 370.64 CBR (June) 1977.

<sup>3</sup> Option 3 called for the retention of the current chemical weapons stockpile. (Ibid.)

**69. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, June 13, 1977

SUBJECT

Chemical Warfare

The SCC met on June 8 to review the results of PRM-27 on Chemical Warfare. A summary of the discussion is at Tab A.<sup>2</sup> This memo reviews the issues involved, and presents to you the recommendations reached by the SCC concerning both a CW arms limitation posture and CW military programs.

*Principal Issues*

Discussion in the SCC focused on four issues:

—*International Background:* There is considerable support for a comprehensive CW treaty; the USSR continues to press strongly for a joint US-USSR initiative. CW and CTB are the two main issues on the agenda of the Conference of the Committee on Disarmament (CCD) this year. The British, Japanese and Soviets all have draft treaties for comprehensive CW limitations on the table, and the US indicated last year that we would have specific proposals ready this year. In 1974 the Soviets passed us a draft treaty<sup>3</sup> for consideration and the same year we agreed at the Moscow Summit to seek a joint CW initiative for submission to the CCD. There have been three meetings of US-Soviet technical experts on the issue—the last in May<sup>4</sup> in response to the commitment for a CW working group made at Vance's Moscow meeting.<sup>5</sup> The Soviets have hinted at possible flexibility in their longstanding position that verification be based on national technical means.

—*Domestic Background:* Several times Congress has defeated budget requests to build a new binary chemical facility. Congress has

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 86, SCC 015, Chemical Warfare Limitation and Programs, 6/8/77. Secret. Carter initialed the top of the memorandum.

<sup>2</sup> See Document 68.

<sup>3</sup> In July 1974 the Soviets proposed that the "development, production, and stockpiling of all lethal CW" be banned. See *Foreign Relations*, 1969-1976, vol. XVI, Soviet Union, August 1974-December 1976, Tab 1, Document 13.

<sup>4</sup> Telegram 3797 from Geneva, May 16, reported that during a four-day discussion of mass destruction weapons between the United States and the Soviet Union, "there was virtually no discussion of specific issues" regarding chemical weapons. (National Archives, RG 59, Central Foreign Policy File, D770173-0565)

<sup>5</sup> See Document 64 and footnote 1 thereto.

passed laws restricting the transportation, disposal and open air testing of chemical weapons, and requiring the recipient's approval before chemical weapons are deployed overseas. There is also a law requiring the President to certify that lethal chemical weapons are in the national interest before funds can be authorized for their production. Finally, the Environmental Policy Act established additional measures to prevent environmental damage from chemical munitions. All in all, Congressional opinion is very hostile to CW.

—*US and Soviet CW Capabilities*: [1 line not declassified] it is they—not we—who have been pushing for a CW ban. While there is a consensus that the Soviets are doing much more than we in the CW area, [4 lines not declassified] This large Soviet effort and their apparent eagerness for a treaty may derive from Russia's huge CW casualties in World War I (Tab B)<sup>6</sup>—in addition to the good politics of taking a leading role on this issue.

—*Verification*: Although some types of CW activities—such as the destruction of declared stocks—can be verified independently, [2 lines not declassified] On the other hand, the risk from a violation is related to the military significance of the weapons system involved and, in this case, the US has an insignificant CW capacity. Moreover, a nation considering whether to violate a CW treaty will realize the consequences if a violation is detected. Most important, adequate verification does not require absolute certainty that a violation will be detected but rather really means enough verification to ensure that a side's security is not endangered, and that confidence in the agreement is maintained. Finally, we would make clear to the Soviets that the verification procedures we may accept in a CW treaty do not set any precedent as to what we may consider necessary in a SALT or CTB agreement.

### *Results of the SCC Meeting*

#### *I. Arms Limitation*

There was unanimous agreement that the US should seek a comprehensive treaty banning development, production and stockpiling of chemical weapons, and requiring the destruction of existing stocks, rather than any type of more limited agreement. The agencies also approved unanimously the draft of proposed key elements for such a treaty (Tab C).<sup>7</sup> If you approve these elements, they will form the basis for our initial negotiations with the Soviets.<sup>8</sup>

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<sup>6</sup> Not attached.

<sup>7</sup> Not attached.

<sup>8</sup> Carter checked the "Approve" line.

## II. *Military Programs*

Only JCS supported a force improvement option (Option 1 in the PRM) which would cost anywhere from \$500 million to \$2 billion, and involve building the binary facility that Congress has rejected on several occasions. *All other agencies recommend* that we continue the CW force as it now is and review this decision in mid-1978 on the basis of the progress or lack thereof in the CW negotiations.

### RECOMMENDATION:

That you approve the status quo military option, with the proviso that you will review the situation on the basis of progress made in arms limitation talks.<sup>9</sup>

### *Where We Go From Here*

If you approve the arms limitation posture presented here, the US will immediately undertake consultations with the British, French, Germans and Japanese. Then, at the opening of the CCD conference on July 5, we will begin our long-promised bilateral talks with the Soviet Union with the goal of developing an outline of the principles of a comprehensive treaty. This would be presented as a joint initiative to the membership of the CCD, which would then work from that base in developing the detailed text of a comprehensive international CW treaty.<sup>10</sup>

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<sup>9</sup> Carter checked the "Approve" line.

<sup>10</sup> Carter wrote "ok" underneath the last paragraph of the memorandum.

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## 70. **Presidential Directive/NSC-15<sup>1</sup>**

Washington, June 16, 1977

TO

The Vice President  
The Secretary of State  
The Secretary of Defense  
The Director, Arms Control and Disarmament Agency  
The Director of Central Intelligence

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 86, SCC 015, Chemical Warfare Limitation and Programs, 6/8/77. Confidential.

## SUBJECT

## Chemical Warfare

The President has directed that a United States Delegation under the direction of the Arms Control and Disarmament Agency should immediately initiate bilateral consultations with the United Kingdom, France, the Federal Republic of Germany and Japan, to be followed by negotiations with the Soviet Union on the subject of a comprehensive treaty to ban chemical warfare.

Talks with the Soviet Union should seek to reach agreement on a joint US–USSR initiative to be presented to the Conference of the Committee on Disarmament along the following lines:<sup>2</sup>

—Definitions of important terms would be incorporated in the agreement.

—To the extent possible, low-risk, more easily verified actions would be undertaken at the earliest possible stage.

—Production, stockpiling, acquisition or retention of chemical warfare (CW) agents and munitions would be prohibited.

—Development of CW agents or munitions would be prohibited, but development of means of protection against chemical attack would be permitted.

—Existing stocks of CW agents and munitions would be destroyed over a period of at least eight years according to an agreed schedule. All CW stocks would be declared at the time a State became a Party. As an alternative to destruction, dual-purpose agents could be diverted to peaceful purposes, subject to appropriate controls. Precursors would be treated in the same manner as agents.

—All facilities designed or used for production of single-purpose chemicals would be declared and immediately closed down. However, under appropriate controls such a facility could be used for agent/munition destruction operations. All declared facilities would be destroyed or dismantled within two years after stockpile destruction had been completed. Establishment of new production facilities would be prohibited.

—The disposition of declared facilities and the destruction of declared stocks would require on-site verification under independent, international auspices.

—The agreement would contain agreed procedures for the carrying out of an investigation by representatives of a Consultative Com-

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<sup>2</sup> An unknown hand underlined the phrases “Talks with the Soviet Union should seek to reach agreement” and “the following lines.”

mittee of treaty parties in the event that suspicious activities were reported.

—The following types of chemicals would be subject to the provisions of the agreement: lethal and other highly toxic chemicals, incapacitating chemicals, and precursors.

—The principal criterion for application of the provisions of the agreement to specific chemicals would be whether the specific activities in question are justified for peaceful purposes (“purpose criterion”). To assist in applying the purpose criterion, two supplementary toxicity criteria would be adopted.

—Transfer of CW agents or munitions to others would be prohibited, as would any other effort to help others obtain CW agents or munitions.

—Provisions would be included for confidence-building purposes.

—Any State Party would have the right to withdraw if it decided that extraordinary events, related to the subject matter of the agreement, had jeopardized the supreme interests of its country. Appropriate notice would be required.

—All States would be eligible to become Parties.

The President has also directed that US chemical warfare forces be maintained without force improvement. This decision will be reviewed, beginning with the start of the FY 1980 budget cycle, on the basis of the progress made in arms limitation talks.

**Zbigniew Brzezinski**

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## **71. Editorial Note**

The United States and the Soviet Union resumed negotiations over chemical weapons consultations on July 7, 1977, in Geneva. In the first session, the U.S. representative, Ambassador Adrian Fisher, proposed that rather than trying to write a draft treaty, the two sides should instead issue a set of “agreed key elements” on a chemical weapons convention. This would allow “other states an opportunity to play a concrete role in development of specific treaty conventions” in order to “ensure broad acceptance of the convention.” The Soviet representative, Viktor Likhatchev, said the U.S. proposal “deserved careful study.” (Telegram 5558 from the Mission at Geneva, July 8; National Archives, RG 59, Central Foreign Policy File, D770243–0752) In the second session, the U.S. Delegation proposed a ban on the “develop-



ment, production, stockpiling, acquisition or retention of CW agents and munitions." The Soviets "asked several questions for clarification, but made no substantive comments." (Telegram 5643 from the Mission at Geneva, July 11; National Archives, RG 59, Central Foreign Policy File, D770246–0173)

Fisher turned to the issue of verification in the third session. "Because of the deficiencies of non-intrusive methods" of verification, the United States wanted a system that provided for "on-site" confirmation that stockpiles had been destroyed and that facilities were not being used for prohibited activities; for "fact-finding investigation" of suspected treaty violations; and for the monitoring of the "production and use of super-toxic chemicals for peaceful purposes." Again, Likhatchev made no substantive comments, but said he would pose questions at the next session. (Telegram 5644 from the Mission at Geneva, July 11; National Archives, RG 59, Central Foreign Policy File, D770246–0155)

In a brief opening statement at the fourth session, Likhatchev said that the Soviet Union wanted "the prohibition of incapacitating chemical warfare agents," and asked whether the United States "now wanted to expand" the scope of an agreement "to include incapacitants." Fisher replied that the United States "desires a comprehensive treaty, which would not be limited to 'the most dangerous, lethal means of chemical warfare'." (Telegram 5722 from the Mission at Geneva, July 13; National Archives, RG 59, Central Foreign Policy File, D770249–0022)

In their penultimate session, after another discussion about which chemical incapacitants would be covered under a convention, Likhatchev turned to the issue of verification. The Soviet Union, he said, favored a system "based on national control (i.e. 'self-policing'). This could be supplemented by: "(A) information exchange among parties on questions related to compliance, (B) cooperation and consultation among states in situation where doubt about compliance exists, and examination by the UN Security Council of complaints of treaty violation." He argued that the Soviet Union "believed that the very fact of a state's participation in a convention is sufficient guarantee that the state will ensure compliance," and "that the system of control should not violate the sovereign rights of states or lead to disclosure of military or commercial secrets." In a "preliminary response," Fisher said that international control would "check national control as both must have the ability to satisfy ourselves that the agreement is being followed." (Telegram 5834 from the Mission at Geneva, July 15; National Archives, RG 59, Central Foreign Policy File, D770252–0767)

In their final meeting on July 18, the two sides repeated their positions on which chemical agents would be covered under an agreement and on verification. The U.S. Delegation proposed that the talks resume

on August 16. The Soviets, however, said they needed instructions from Moscow before they could commit to a date. (Telegram 5978 from Geneva, July 19; National Archives, RG 59, Central Foreign Policy File, D770256–1078) A July 19 joint communiqué described the talks as a “first step toward the complete and effective prohibition of chemical weapons.” The two sides also agreed to meet “in the near future to continue the consultations.” (Telegram 5967 from the Mission at Geneva, July 19; National Archives, RG 59, Central Foreign Policy File, D770268–0382)

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## 72. Memorandum From Secretary of Defense Brown to the Secretaries of the Military Departments<sup>1</sup>

Washington, August 22, 1977

### SUBJECT

Implementation of Presidential Directive/NSC–15, dated 16 June 1977, “Chemical Warfare”<sup>2</sup> (C)

(C) Guidance provided to the Secretary of Defense in PD/NSC–15 states: “The President has also directed the U.S. chemical warfare forces be maintained without force improvement. This decision will be reviewed, beginning with the start of the FY 1980 budget cycle, on the basis of progress made in arms limitations talks.” This guidance is to be implemented as follows:

1. (C) All efforts related to upgrading the U.S. *protective posture* against chemical/biological warfare will continue. This will include

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 45, 370.64 CBR (Aug–Dec) 1977. Confidential. Also sent to the Chairman of the Joint Chiefs of Staff, the Director of Defense Research & Engineering, the Assistant Secretary of Defense (Comptroller), the Assistant Secretary of Defense (International Security Affairs), the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics), the Assistant Secretary of Defense (Program Analysis & Evaluation), the Assistant Secretary of Defense (Public Affairs), the General Counsel, OSD, the Assistant to the Secretary of Defense (Atomic Energy), the Assistant to the Secretary of Defense (Legislative Affairs), and the Director of the Defense Intelligence Agency. David McGiffert, the Assistant Secretary of Defense for International Security Affairs, forwarded this memorandum under cover of an August 17 memorandum to Brown in which he noted that “some elements in DOD have misinterpreted” parts of PD/NSC–15 and were “questioning the current guidance to continue efforts for upgrading the defensive posture of U.S. forces against chemical warfare.” (Ibid.)

<sup>2</sup> See Document 70.

RDT&E and procurement of appropriate equipment and apparatus to insure the survivability of personnel and equipment in a toxic environment. Training, doctrinal developments, chemical defense manpower improvements or manpower additions necessary to provide an effective CW protective posture should also continue.

2. (C) Surveillance and maintenance of the present retaliatory stockpile including any necessary actions required to maintain the retaliatory readiness posture will continue. This should include maintenance of the required amounts of ancillary items such as fuzes, bursters, and other necessary components. Current planning for deployment of chemical munitions under emergency conditions should continue. Research and development of improved chemical agents and munitions will continue.

3. (C) To insure that this Department can provide a timely response at the next review period, the start of the FY 1980 budget cycle, the planning requested in the FY 1979–1983 Planning and Programming Guidance for an integrated binary facility should be completed by the Secretary of the Army not later than September 1977. Additionally, appropriate criteria to judge progress in the forthcoming arms limitations talks should be developed by the Assistant Secretary (International Security Affairs).

**Harold Brown**

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**73. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, August 29, 1977, 1227Z

7358. Subj: CCD: US-Soviet Chemical Weapons Consultations: Fifth Round Wrap-up, Message No. 9.

1. Summary: Principal feature of fifth round of US-Soviet negotiations on prohibition of chemical weapons (Aug 16–26, 1977) was presentation by USSR of detailed position on basic provisions to be included in possible convention. Soviet presentation, which responded to

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770311–0838. Confidential; Immediate. Sent for information to Moscow.

US presentation made in fourth round (July 1977),<sup>2</sup> contained few surprises; however, it represented most detailed and concrete exposition of Soviet position to date. It incorporates US proposals in certain points and suggests a Soviet willingness to enter into a phase of serious negotiations now that both sides have presented their basic position. A basis to begin negotiations in the next round now appears to exist.

2. As regards form of joint initiative, USSR appears to have moved towards US concept that joint initiative to CCD should take form of agreed key elements, through some differences possibly remain. Regarding the content of the basic provisions, there appears to be substantial degree of convergence in US and Soviet positions on scope of convention (types of weapons and activities to be banned) and disposal of prohibited weapons and facilities, although some important differences remain and Soviet text is unclear on others.<sup>3</sup> On issue of verification, two sides remain far apart. Despite some minor positive elements in Soviet presentation, position on the key issue of international verification involving on-site inspection remains basically unchanged. Regarding entry into force of the treaty, unclear wording of Soviet basic provision no. 23 raises the potentially troublesome possibility that they may insist on ratification by all permanent UN security council members as a precondition. End summary.

3. US and Soviet Delegations held six meetings in Geneva from Aug 16 through Aug 26, 1977, to continue their negotiations on elements of a convention prohibiting chemical weapons, with the purpose of preparing a joint initiative for submission to the CCD. This was the fifth round of bilateral negotiations held in accordance with the US-Soviet communiqué of July 1974,<sup>4</sup> and the third meeting of the joint working group established as a result of the Moscow discussions between Secretary Vance and Foreign Minister Gromyko in March 1977.<sup>5</sup> The atmosphere of all meetings was cordial and workmanlike.

4. In the first four meetings which were held on Aug 16, 18, 22 and 23, Soviet rep (Likhatchev) made a detailed presentation of Soviet positions on content of possible convention prohibiting chemical weapons which he characterized as supplementing proposals contained in Soviet 1974 draft CW convention and as, in effect, a response to the US proposal presented in the fourth round in July 1977.<sup>6</sup> At the end of his presentation, Amb Likhatchev handed over a working paper contain-

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<sup>2</sup> See Document 71.

<sup>3</sup> The basic provisions of the Soviet text are in telegram 7212 from the Mission at Geneva, August 23; National Archives, RG 59, Central Foreign Policy File, D770304-0696.

<sup>4</sup> See footnote 2, Document 61.

<sup>5</sup> See Document 64.

<sup>6</sup> See Document 71.

ing 23 basic provisions as the basis for a possible joint initiative. At the fifth meeting USRep (Fisher) presented preliminary US comments on Soviet presentation, summarizing apparent points of agreement and differences between two sides and presenting a number of questions designed to clarify Soviet position. Soviet Del answered some of these questions at sixth meeting. US side proposed Sept 26 for resumption of next round of bilateral talks. Soviet Delegation informally indicated that this seemed reasonable but did not formally agree to it, pending instructions.

5. Salient points of Soviet basic provisions are summarized and commented on below.

6. Form of the joint initiative. Although Soviet rep emphasized in his initial presentation that USSR continues to seek a joint initiative in form of negotiated text of draft convention or main articles thereof which would be presented to CCD, the “basic provisions” tabled by the USSR bear a strong resemblance in form to the “key elements” presented by the US in July and would appear to represent a major step in the direction of the US approach. It appears unlikely that Soviets will continue to advocate tabling a full-fledged jointly agreed treaty text. However, whereas the US approach envisages agreement on principles or key elements to be subsequently elaborated upon by the CCD, USSR may continue to favor tabling a set of agreed provisions in treaty language.

7. Scope of the convention. The two sides appear to be in substantial agreement that development (including testing) production, stockpiling, acquisition, retention and transfer of the chemical weapons should be banned by a confidential convention: that ban should include lethal and other highly toxic chemicals and incapacitants as well as munitions, and that main criterion for including specific chemicals or activities should be that of purpose supplemented by toxicity. Soviets accepted approximate values for toxicity criteria discussed by US in round one. The two sides disagreed, however, as to whether irritants should be included. (The US position is that they should not). Other potential points of disagreement concern use of lethal chemical agents in military field exercises with troops, and the definition of precursors.

8. Disposition of chemical weapons. Soviet presentation indicated a general acceptance of US concept that stocks of agents and weapons as well as plans for their destruction and for the elimination of corresponding facilities according to an agreed schedule be declared. Following explanations presented by USDEL, Soviets accepted US explanation as to why a minimum of eight years would be required for destruction of US stocks of agents and munitions. USSR also agrees that production facilities could temporarily be used for destruction of agents and munitions. Major point of difference was that Soviet would

permit conversion of production facilities to peaceful uses whereas US would require destruction or dismantling of all facilities.

9. Verification. Although the Soviet presentation contained some points of interest, there was no change in the essentials of the Soviet position which underlined basic Soviet unwillingness to allow on-site inspection under independent international auspices, whether to verify destruction of stocks and dismantling of facilities or for clarification of suspicious activities. Soviet working paper stated as basic principle that national means of verification should be the main form of verification. (In bilateral presentation, Soviets made no attempt to defend the adequacy of the national means described in their CCD working group paper. Also, criticisms of US verification proposals appeared to skirt issue of verification of destruction of declared stocks). However Soviet presentation did go further than previous ones in elaborating their proposed international procedures. Soviets accepted concept of consultative committee composed of representatives of States-parties, although with severely restricted mandate. The committee proposed by Soviets would in essence be a clearing house for requesting, receiving and transmitting information, without any authority to make recommendations or to draw conclusions.

10. The most interesting part of Soviet presentation on verification was their basic provision no. 20 which states that "there should not be precluded the elaboration of a compromise basis of agreement which would permit to have a possibility of ascertaining on a voluntary basis, the real state of affairs on site in case doubts emerge with regard to the fulfillment of obligations on the prohibition of chemical weapons," with the arrangements to be determined by the host country. This provision is similar to Article II, para 3 of Soviet draft treaty for a nuclear weapons test ban what precisely the Soviets are prepared to accept will doubtless not emerge until a later state in the negotiations.

11. At the conclusion of USSR presentation and in final session, Soviet rep stressed forthcoming nature of Soviet proposals on verification and called on US to make "equivalent" compromises in interest of reaching agreement. At best it can be said that within the narrow limit imposed by the Soviet objection of principle to any form of independent on-site inspection, Soviets appear to have made a modest effort to meet some US concerns. What possibilities for compromise, if any, are inherent in basic provision no. 20 remain to be seen, but given the past history of the Soviet position on this issue, it is clear that verification is likely to be the principal obstacle to agreement.

12. Entry into force. One unexpected and potentially troublesome feature of the Soviet presentation is the stipulation in basic provision no. 23 that a convention would enter into force "when a sufficiently wide number of States participate in it, including permanent members

of the Security Council". It is not clear from the Russian text whether this should be interpreted to mean some members of the Security Council or all. If the latter, the Soviets would have interjected a new precondition they have not previously mentioned. At best, this could represent an effort to create a bargaining chip which could be traded for US concessions. At worst, it would imply that the Soviets have no real interest in reaching an agreement since its practical effect would be to make a convention impossible. Given the generally responsive character of the Soviet presentation, this seems unlikely. However, no definitive judgment can be made until the Soviets have provided the requested clarification. Although the Soviet Del provided answers to some of the questions asked by the US side in the fifth meeting, they did not offer an explanation of this point.

13. Confidence-building measures. Soviet presentation did not refer directly to US proposals for confidence-building measures to be undertaken between signature and entry into force, except to stipulate that all States-parties should declare their stocks simultaneously at an agreed date after entry into force. However, in answer to a question from USDEL, Soviet Rep formally stated in final session that it was unacceptable to the USSR to undertake obligations before the entry into force of a convention.

**Vanden Heuvel**

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**74. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, September 8, 1977

**SUBJECT**

Report on Bilateral Consultations on a Chemical Weapons (CW) Ban (August 16–26)

We have recently concluded a further round of discussions with the Soviets in Geneva on the question of a treaty prohibiting chemical

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 44, PRM-27 [1]. Confidential.

weapons.<sup>2</sup> The major feature of the round was the presentation by the Soviet side of an essentially complete response to a US proposal that had been tabled during the July session setting forth key elements of a multilateral treaty.

The atmosphere during the three CW rounds this year has been consistently cordial and businesslike. The Soviets have adopted our approach of drawing up "key elements" of a joint US-USSR CW initiative as the basis for discussion, rather than attempting to work on treaty language. Regarding substance, the Soviets have moved closer to us on scope (types of weapons and activities to be banned). They also have accepted the basic idea of a Consultative Committee composed of all states party to the agreement, although with a much more restricted mandate than we would like.

A major area of disagreement is verification. The "working paper" the Soviets passed to our delegation contains no provision for international verification of the destruction of CW stockpiles or the cessation of production of agents. We regard some form of international inspection as vital, especially regarding the destruction of stocks.

Another troublesome aspect of the Soviet position is that they have included a condition that permanent Security Council members ratify the treaty as a prerequisite for its entry into force. This is the first time in seven years that such a provision, obviously aimed at the PRC, has been included in a Soviet proposal related to CW. It parallels their current position on entry into force of a Comprehensive Test Ban.

The Soviets have also proposed that declaration of stocks take place at some agreed time after the treaty enters into force. This proposal is in contrast to our position that stocks should be declared when states become parties and that destruction be internationally observed. The Soviet formula would, if they so chose, permit them to state—at the time when declaration of CW stocks was required—that the USSR had no CW stockpile and therefore was in compliance with that aspect of the treaty, the implication being that they had disposed of whatever stocks they may have had between the time of entry into force and the time of their declaration. There would be no effective means of verifying such a declaration by the Soviets.

Somewhat less troublesome elements in the Soviet proposal include the authorized use of lethal agents in military field exercises (further complicating verification difficulties), conversion to peaceful uses (rather than dismantling as we have proposed) of military CW production facilities, and extension of the scope to cover riot control agents.

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<sup>2</sup> See Document 73.



Obviously, verification will be the critical issue to be dealt with when negotiations resume. Current Soviet formulations make reference to the possibility, on a voluntary basis, of some form of on-site investigation (again, analogous to their CTB posture), but I anticipate that hard and possibly protracted bargaining will be required to reach a satisfactory outcome on verification. We expect that the next round of talks, which is scheduled to begin September 26 in Geneva, will last for several weeks and will give us a better reading of the extent of Soviet flexibility.

**Paul C. Warnke**

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**75. Letter From Secretary of State Vance to Secretary of Defense Brown<sup>1</sup>**

Washington, October 23, 1977

Dear Harold:

I recently reviewed Congressional action on the FY 78 Defense budget and noted that funds were again included for the R&D of binary chemical munitions. I also understand that plans exist for requesting funds for a production facility. I am concerned that we do not hinder our efforts to work out a CW ban with the Soviets by seeking a binary production capability.

The Presidential guidance contained in PD-15 concerning the direction of our CW limitation proposals is quite clear. We are striving for the prohibition of not only the production and stockpiling of CW munitions, but their development as well. In addition, the President has directed that our CW forces be maintained without improvement.

I recognize the need to maintain binary munition technology as a hedge against the possible failure of our efforts to obtain a CW ban. Thus, I currently support a limited R&D program. At the same time, I believe that pilot production of binary munitions should not be planned at this time.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 45, 370.64 CBR (Aug-Dec) 1977. Secret. The memorandum is stamped "SEC DEF HAS SEEN." In the upper right-hand corner, Brown wrote "10/25. Dave McG—I believe that to get Congressional support for production we must first make a real try at a verifiable CW ban. To that end I lean toward the CV view. HB."

I believe that if we were to forego plans for production we will have achieved a significant psychological advantage over the Soviets. This would force them into the position of having to respond to a US initiative by taking a positive step toward reducing their own CW program. Additionally, such restraint would serve to demonstrate our sincere intent to limit offensive weapons thereby improving the overall climate for our arms control efforts. By maintaining our R&D program while curtailing production we would retain a certain amount of leverage at the negotiating table. To forego for now production of binary munitions seems a small price to pay for the potential gains that might accrue from such action.

While I oppose the production of offensive binary weapons, I support the enhancement of our CW defensive measures and the limited R&D necessary for these programs.

Sincerely,<sup>2</sup>

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<sup>2</sup> Vance signed the memorandum "Cy."

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## **76. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, October 28, 1977, 1324Z

9346. Subject: Briefing of Allies on US-USSR Arms Control Working Groups on Chemical Weapons and Radiological Weapons. Ref: Geneva 9130<sup>2</sup> (Notal).

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D77039-0960. Confidential. Sent for information to Athens, Bonn, Brussels, Canberra, Copenhagen, London, Moscow, Oslo, Ottawa, Rome, The Hague, Tokyo, Wellington, USNATO, and USUN. The United States and the Soviet Union held ten meetings on chemical weapons between September 26 and October 21. A record of these meetings is contained in telegrams 8239, September 27, 8375 and 8400, October 3, 8461, October 5, 8607, October 11, 8637, October 12, 8823 and 8825, October 17, 8930, October 19, and 9121, October 24, all from the Mission at Geneva; National Archives, RG 59, Central Foreign Policy File, D770352-0102, D770359-1142, D770360-0444, D770363-0202, D770370-0599, D770371-0707, D770380-1262, D770380-1372, D770384-0415, and D770391-0110 respectively.

<sup>2</sup> This October 25 telegram from the Mission at Geneva informed USNATO about the state of discussions between the United States and the Soviet Union on radiological weapons. (National Archives, RG 59, Central Foreign Policy File, D770391-0585)

1. Summary: On October 25 and 26 US Reps briefed allies in Geneva on present rounds of US–USSR negotiations on chemical weapons and on radiological weapons. End summary.

2. On October 26, Ambassador Fisher (head of USDEL) briefed CCD western group (FRG, Italy, the Netherlands, Canada; no reps from UK and Japan were present) on present round of US–USSR negotiations on chemical weapons (CW) and on radiological weapons (RW).

3. Fisher presented points on RW along lines of Reftel, stressing that the Soviet proposal to include reduced blast/enhanced radiation weapons (the so-called neutron bomb) in the definition of radiological weapons was unacceptable to the US side. He said that other than the RB/ER weapon issue, which the Soviets had introduced late in the game, the two sides were very close to an agreement on an RW joint initiative. He noted that no date had been set for the resumption of negotiations on RW, but if after the UN disarmament debate it appears useful to continue talks, it would be possible to do so in the margins of the US–USSR negotiations on CW when they resume on January 10.

4. With respect to the CW negotiations, Fisher said that both sides had made a full presentation of positions and that a drafting group had been established and had started its work on a joint initiative for the CCD.

5. On the scope of prohibition of a possible CW convention, Fisher said that the two sides were not far apart except for three issues:

A. Irritants—the US side does not want to include irritants used as riot control agents in the prohibition; the Soviet side does.

B. Precursors—the US side would like to have the convention apply to chemical substances extending back down the production chain from the actual production of chemical agents; the Soviet side would like to have the concept of precursors apply to chemicals used in the final stage of production of chemical agents.

C. Carcinogens and teratogens—the Soviet side has proposed specifically including chemicals causing cancer and birth defects in the treaty; the US does not think such chemicals would be suitable for chemical warfare purposes and would be covered by the general purpose criterion without being specified.

6. Fisher said that the key difference in the US and Soviet positions is in the area of verification. Perhaps the toughest question is the verification of the destruction of declared stocks of CW and of the disposition of declared facilities. The US side is insisting that there be mandatory on-site inspection; the Soviet side is suggesting that there be inspection by national committees (self-inspection).

7. Fisher noted that the Soviets have accepted the concept of a consultative committee, but that they have a problem with the committee

requesting an inspection. The Soviet side has insisted that any request for an on-site inspection come from a state party. However, he said that the Soviets may not have any problem with the consultative committee carrying out an inspection if a state receiving a challenge invites it to do so.

8. Fisher said that the two sides have not agreed to the final format of the joint initiative. The common language being developed is not treaty language, but is not too far from treaty language. With respect to entry into force, he noted that the Soviets have apparently come off of their earlier position that all permanent members would be required, by indicating that this issue would present no problem once everything also is settled.

9. Fisher stressed the importance of taking into account how a future CW convention might impact on industry. He indicated the importance of consulting with the chemical industry on the question at an early date.

10. In response to a question about the trilateral (US, UK, USSR) negotiations on a comprehensive nuclear test ban (CTB), Fisher said that he understood that the issues regarding PNE's, verification, and treaty versus moratorium still remain to be resolved. He said that after the current round of CTB negotiations the US and UK will probably be briefing the allies at NATO rather than in Geneva.

11. On October 25, alternate head of USDEL (Turrentine) gave similar briefing to group of allies who are not members of the CCD (Denmark, Norway, Greece, Belgium, New Zealand and Australia).

**Vanden Heuvel**

**77. Telegram From the Department of State to the Mission to the United Nations<sup>1</sup>**

Washington, November 5, 1977, 1731Z

265333. Subject: 32nd UNGA: Resolution on Chemical Weapons. Ref: USUN 4183.<sup>2</sup>

1. US Del is authorized to join consensus adoption or vote for resolution on Chemical Weapons (CW) along the lines of revised Canadian/Polish draft reported Reftel.

2. If explanation of vote is deemed necessary, Del may note the effort that the US and USSR have devoted to developing a joint initiative on CW and may indicate US commitment to continuation of this effort. However, US Del should avoid suggesting when joint initiative may be completed.<sup>3</sup>

**Christopher**

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770409–0684. Limited Official Use. Drafted by Arch Turrentine (ACDA/MA/IR); cleared by David Macuk (IO/UNP), David Carlson (PM/DCA), Edward Melanson (DOD/ISA), and Alan Neidle (ACDA/MA); and approved by Robert Barry (IO).

<sup>2</sup> The Canadian and Polish draft resolution discussed in telegram 4183 from USUN, October 29, called for the “effective prohibition of the development, production and stockpiling of all chemical weapons” and urged all states to accede to the 1925 Geneva Protocol. (National Archives, RG 59, Central Foreign Policy File, D770398–0120) In telegram 4373 from USUN, November 5, the Mission predicted that the resolution would be adopted by the UN General Assembly by November 14. (National Archives, RG 59, Central Foreign Policy File, D770407–1101)

<sup>3</sup> On December 12, 1977, the United Nations General Assembly passed Resolution 32/77 largely on the lines of the October 29 Canadian/Polish draft. For the text of the Resolution, see *Documents on Disarmament*, 1977, pp. 825–827.

**78. Letter From Secretary of Defense Brown to Secretary Vance<sup>1</sup>**

Washington, November 22, 1977

Dear Cy:

I have read your letter of October 23, 1977,<sup>2</sup> regarding chemical munitions with great interest and share your concerns in the critical area of chemical warfare (CW). As you know, I have issued policy guidance to implement PD-15, which supports the current CW negotiations while preserving our potential ability to produce our own binary chemical weapons if negotiations fail to show progress.

First, let me assure you that there are no funds included in either the FY 1978 or FY 1979 defense budget for facilities for production or pre-production of binary chemical weapons. We have included some limited research and development funding for binary weapons. The only plans that we are developing for production are contingency plans of the sort we have for any conceptual weapons system, not firm plans.

To place our CW program in perspective, I want to emphasize that the major effort of our present programs is to provide improvements in our protective posture, both in research and development of new items and procurement of standard equipment. These programs have been fully supported by Congress and I plan to continue them. We would be pleased to provide you and your staff a complete briefing on the programs and the DOD assessment of the CW threat at your convenience.

Even while we are negotiating a treaty to ban chemical warfare, the threat of the use of chemical warfare against our forces remains great. Several of our Unified Command commanders have recently communicated to me personally their concern about the minimal nature of our protective posture and about the need for improving our CW posture in line with the threat facing US forces and our Allies. Nevertheless, we have already demonstrated considerable restraint in our own offensive capability. I hope this will provide a favorable climate for negotiations. Since 1973, we have unilaterally demilitarized more than 7,000 tons of chemical agents and a large number of munitions. This stockpile reduction, coupled with the fact that no chemical weapons have been produced since 1969, should have already achieved the psychological advantage you mentioned. Perhaps it will elicit a Soviet response to the US initiative. However, our combined intelligence

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 45, 370.64 CBR (Aug-Dec) 1977. Secret. In a December 22 memorandum to Brown, Vance replied that he was "pleased to know that no funds are programmed in the FY 79 defense budget for the production of binary munitions." (Ibid.)

<sup>2</sup> See Document 75.

analysis has continued to show no abatement of the rather significantly expanded Soviet activity in the chemical warfare field.

I do not feel it would be prudent to forego the necessary long-lead planning required for the research, development, and pilot production of binary munitions. We do plan to follow the guidance provided in PD-15, supporting to the fullest the on-going negotiations, and preparing for a review and reassessment at the beginning of the FY 1980 budget cycle unless significant progress is made in Geneva prior to that time.

Sincerely,<sup>3</sup>

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<sup>3</sup> Brown signed the memorandum "Harold."

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## 79. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>

Washington, January 7, 1978, 0044Z

4353. Subject: US-USSR Chemical Weapons Negotiations, Round Seven: Guidance for US Delegation. Ref: State 153939.<sup>2</sup>

State CW message no. 5

1. The seventh round of US-USSR bilateral negotiations of a joint initiative dealing with a prohibition on chemical weapons (CW) is scheduled to start on January 10, 1978, in Geneva. The US objective in these bilateral negotiations is to reach agreement with the Soviet Union on a common approach to an adequately verifiable prohibition of chemical weapons, which will enhance the security of the US and its allies. Once all the key elements (along lines presented during round four) are agreed, a joint initiative on CW would be presented to the CCD for elaboration into the actual convention. While it would be de-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780011-0663. Confidential; Priority. Drafted by Arch Turrentine (ACDA/MA/IR); cleared by Les Denend (NSC), Alan Neidle (ACDA/MA), Adrian Fisher (ACDA/D), Alexander Aka-lovsky (State), Avis Bohlen (EUR/SOV), Homer Phelps (PM/DCA), Robert Weekley (OSD/ISA), [name not declassified], Robert Mikulak (ACDA/MA), and Lawrence Finch (ACDA/MA); and approved by Thomas Davies (ACDA/MA). Sent for information to USNATO, Moscow, London, Bonn, Paris, and Tokyo.

<sup>2</sup> Telegram 153939, July 1, 1977, contained guidance for round four of the U.S.-Soviet consultations on chemical weapons limitations. (National Archives, RG 59, Central Foreign Policy File, D770236-0111)

sirable to complete work on the joint initiative at an early date (if at all possible prior to the UN Special Session on Disarmament (SSOD) scheduled for May/June 1978), we do not wish to set a deadline for completion of our bilateral negotiations. It is not clear how long it may take to resolve the differences between the US and Soviet positions on several important issues, in particular verification. While we are not unmindful of the potential political benefits which we and the Soviets would share if the joint initiative were completed by the time of the SSOD, our primary interest is in establishing the basis for an effective CW convention which will attract broad support and contribute to international security.

2. The Delegation should coordinate with the Soviet side the text of a press release, along the lines of previous releases, announcing the opening of the bilateral negotiations. Also, at the end of round seven, the Delegation should coordinate a joint press communiqué with the Soviet side on the results of the round.

3. Detailed guidance for this round is contained in the cleared position paper for round four as supplemented and amended in the cleared position papers for rounds five, six and seven.<sup>3</sup> In addition, the Delegation may draw upon other interagency-approved documents, including those cited Reftel.

4. During round seven, the Delegation should continue to work with the Soviet side in drafting, on an ad referendum basis, language for the joint initiative in the form of agreed key elements which constitute the main provisions of a future convention in treaty-like language. Delegation should explore further the possibility of presenting supplementary provisions in a separate joint working paper that would be submitted to the CCD with the joint initiative.

5. Given the interest of the CCD members in starting multilateral negotiations on a CW convention during the 1978 spring session (beginning January 31), Delegation should emphasize the diligence with which the US is pursuing the CW initiative with the USSR. Delegation, therefore, should brief allies (both CCD members and non-members in Geneva who follow arms control issues), in general terms, on the progress being made in the bilateral negotiations, but should avoid specifying eventual format or exact timing of CCD submission of the joint initiative.

6. It is likely that round seven will continue after the CCD session starts. If the negotiations reach a point where there seems to be little prospect for further progress without additional review in capitals or reach a deadlock on one or more critical issues, the Delegation may

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<sup>3</sup> None of the position papers were found.



propose that designated members, as appropriate, return to capitals for consultations. Delegation should brief allied reps in Geneva during course of round seven. In addition, consultations with the UK, FRG and France should be offered in London, Bonn and/or Paris as appropriate.<sup>4</sup>

**Christopher**

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<sup>4</sup> U.S. representatives spoke with the British, French, and West Germans on February 3 in London. (Telegram 1775 from the Mission at Geneva, February 6; National Archives, RG 59, Central Foreign Policy File, D780055–0991)

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## **80. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, January 25, 1978, 1329Z

1092. CW message no. 13. Subject: US–USSR Negotiations on Chemical Weapons, Round Seven: Fifth Plenary Meeting, January 20, 1978. Ref.: Geneva 1081.<sup>2</sup>

1. Summary: At fifth plenary, January 20, US Del made strong statement questioning regressions in Soviet position in the areas of scope and verification. US Del also challenged Soviet side for using language which US side had repeatedly said was unclear (e.g., “including governments of states permanent members of the security council”) without providing sufficient explanation. Del also stated that US willingness to study and discuss new Soviet draft convention<sup>3</sup> was no indication of a change in US position that joint initiative should be in form of agreed key elements rather than complete draft convention. Soviet Del deferred comment on substance of US statement, but questioned US “reproach” of Soviet Del for not adequately reflecting, in Soviet

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780037–0338. Confidential; Priority. Sent for information to Moscow. Fisher had already informed the NATO allies that “the two sides were no closer to agreement than they had been at the end of round six and that the Soviet Del had, in fact, ‘regressed’ on some points.” (Telegram 824 from the Mission in Geneva, January 19; D780029–0099)

<sup>2</sup> Telegram 1081 from the Mission in Geneva, January 25, described the fourth plenary meeting between the United States and Soviet Union that occurred on January 17. (National Archives, RG 59, Central Foreign Policy File, D780037–0196)

<sup>3</sup> The new Soviet draft language is contained in Geneva Telegram 1031, January 24; National Archives, RG 59, Central Foreign Policy File, D780035–0723.

presentations of January 16 and 17,<sup>4</sup> changes in US position presented January 12.<sup>5</sup> Brief reports on progress in drafting group were presented by alternate reps of both Dels. End summary.

2. The fifth plenary meeting of the US-USSR negotiations on Chemical Weapons (CW) was held afternoon January 20 at Soviet mission.

3. Ambassador V.I. Likhatchev (head of Soviet Del) asked for report from drafting group. A.R. Turrentine (alt. head of US Del) reported that the drafting group had met three times and that discussions had centered on scope, particularly the issues of irritants and important precursors. Actual drafting on ad referendum agreed language, he said, had not yet begun this round, but he thought drafting group might be ready to begin working on ad referendum language in area of scope once both sides had completed discussions of remaining questions. B.P. Krassulin (alt. head of Soviet Del) characterized atmosphere of drafting group meetings as businesslike and said that extensive exchange of views on the question of scope proved that differences in approach still remained. He added that Soviet Del believed that drafting group should conclude question/answer stage of its work as soon as possible and get down to the business of "formulating the provisions of the future convention," beginning with the section on scope.

4. Ambassador A.S. Fisher (head of US Del) said that in studying the January 17 Soviet draft convention, US Del had noted language which had been initial Soviet proposal in round six. Pointing out that different language had been agreed to ad referendum in drafting group, Fisher questioned whether ad referendum agreed language still stood or had been superseded by language contained in Soviet draft convention. He said, in US view, US-USSR understanding on ad referendum agreed language remained in force. He added that US willingness to study and discuss Soviet draft convention should not be understood to imply any change in US position that joint initiative should be presented to the CCD in the form of agreed key elements. Likhatchev stated that "without prejudice to our position as to the form of the joint initiative," the previously arranged agreement for conduct of the drafting group (i.e., drafting ad referendum agreed language) remained in force.

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<sup>4</sup> The Soviets were referring to the third and fourth plenary meetings. The third meeting held on January 16 is described in Telegram 681 from the Mission in Geneva, January 17; National Archives, RG 59, Central Foreign Policy File, D780025-0186. The fourth meeting is referenced in footnote 2.

<sup>5</sup> The Soviets were referring to the second plenary meeting, which was held on January 12 and described in Telegram 581 from the Mission in Geneva, January 16; National Archives, RG 59, Central Foreign Policy File, D780035-0723.

5. Fisher presented extensive statement questioning Soviet Del on round seven positions which appeared, to US Del, to be regressions from Soviet end of round six positions. Salient points of US presentation contained paras 6 thru 8 below. Fisher noted particularly the areas of scope and verification. Before concluding age had been included again without clarification. If the Soviet Del was proposing that the convention require adherence of all permanent members of the security council, he stated, “we can expect postponement of the fruits of our work for a considerable period of time—perhaps indefinitely.” Soviet Del did not offer clarification of this point during meeting. Fisher also reiterated US view that there should be exchanges of general information on stockpiles, at signature. These would not need to be provided for in the treaty, but could be arranged on a bilateral basis. He stressed the fact that such an exchange between the US and USSR would be a prerequisite, in his view, for US to obtain ratification of the convention.

6. Scope—Fisher stated that the US side had believed that both Dels had agreed in round six that quantities of otherwise prohibited chemicals to be produced or diverted for nonhostile purposes should be limited under the convention and that equipment for troop training in chemical defense would be such as to preclude any possibility of offensive chemical warfare training. Now, however, it appeared that the Soviet Del was advocating complete freedom for parties to determine unilaterally means of chemical warfare to be retained. He stated that, in the US view, a convention based on such an approach would not be viable.

7. Verification—Fisher stated that he believed the US was in basic agreement with the principles of verification put forward by the Soviet Del during the fourth plenary (see para 7, Ref A), but added that the Soviet draft convention seemed to emphasize the second principle (non-interference) at the cost of the first (verification must assure compliance). He pointed out that the US was prepared to agree that a request for challenge inspection should come only from a state party and that a challenged party would have the right to refuse a request for on-site verification, although it would be obligated to make a reasonable effort to resolve the doubts that led to the challenge. He stressed that this should be a legal obligation provided for in the convention, not merely a matter of political expediency. Fisher also stated that the US placed great importance on required verification, under international auspices, of stockpile destruction and disposition of facilities. He asked how the US-proposed verification scheme (international inspection, agreed to in advance in the convention, of stockpile destruction and disposition of facilities, with each state party declaring where and when they are to be destroyed) could possibly contravene the second verification principle (para 7, Ref A). Fisher pointed out that the US ap-

proach on this issue was similar to the on-site inspection provisions of the PNE Treaty.

8. Fisher said that the revised Soviet position on declaration/disposition of facilities compounded the difficulties of verification in providing that only facilities designed or used exclusively for prohibited production would be subject to elimination or dismantling; the US side viewed this position as creating a loophole and as contrary to the mutually agreed purpose of the convention. Furthermore, he pointed out, the Soviet-proposed arrangements where only the chemical warfare capability of a facility would be disposed of, would require extensive on-site verification while total elimination of prohibited facilities, which the US proposed, would not. He continued his criticism of the Soviet verification proposals by stating that omission of the super-toxic toxicity threshold from the Soviet draft convention seemed to be inconsistent with the Soviet "expressed wish" to avoid "maximizing verification". He pointed out that this threshold simplified many verification procedures by coupling the degree of verification with the relative importance of the activity; and said that the US, in providing for such a threshold, had sought to isolate that area requiring particular attention with respect to verification and, thereby, avoid unnecessary, extensive verification procedures for areas of lesser importance.

9. Likhatchev said that he would defer commenting on substance of US statement until Soviet Del had studied its content. However, he noted that it seemed to him that most of the questions raised by the US Del had already been answered by the Soviet Del in the course of its earlier presentations. He took exception to what he characterized as a US "reproach" for not reflecting revised US positions in Soviet presentations on January 16 and 17, confirming US Del view that Soviet statements had been prepared in Moscow prior to beginning of round seven. Fisher responded that he had not intended his remarks be taken as a "reproach", "question? Yes. Criticism? Perhaps. But, reproach? Never". Likhatchev concluded his remarks by calling for prompt conclusion of question/answer sessions and initiation of actual drafting, specifically in the area of scope.

10. The next plenary meeting will be afternoon of January 25. Next meeting of the drafting group will be held afternoon of January 24.

**Vanden Heuvel**

**81. Presidential Directive/NSC–28<sup>1</sup>**

Washington, January 25, 1978

TO

The Vice President  
The Secretary of State  
The Secretary of Defense  
The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence  
The Director, Office of Science and Technology Policy  
The Director, Federal Preparedness Agency

SUBJECT

United States Policy on Chemical Warfare Program and Bacteriological/  
Biological Research Program (C)

Following consideration by the National Security Council, the President has decided that:

1. The term Chemical and Biological Warfare (CBW) will no longer be used. The reference should be to the two categories separately—The Chemical Warfare Program and The Biological Research Program. (U)

2. With respect to Chemical Warfare:

a. The primary United States objective will be to negotiate a comprehensive treaty to ban chemical weapons. U.S. policy on these negotiations is contained in PD–15.<sup>2</sup> The objective of the U.S. Chemical Warfare Program will be to deter the use of chemical weapons by other nations and to provide a retaliatory capability if deterrence fails. (C)

b. The renunciation of the first use of lethal chemical weapons in accordance with the Geneva Protocol of 1925 is reaffirmed. (U)

c. This renunciation is also applied to incapacitating chemical weapons. (U)

d. This renunciation does not apply to the use of riot control agents or herbicides. Executive Order 11850 provides guidance on authorized uses.<sup>3</sup> (U)

e. Existing overseas stockpiles of chemical weapons can be maintained without additional consultations. If the matter is raised by the FRG, we will agree to consultations about the future of stockpiles located in Germany. (S)

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 19, PD–28. Secret. Carter wrote at the top “ok J.C.”

<sup>2</sup> See Document 70.

<sup>3</sup> In this April 8, 1975 Executive Order, President Gerald Ford renounced “in certain uses in war of chemical herbicides and riot control agents.” (<http://www.archives.gov/federal-register/executive-orders/1975.html>)

- f. The Secretary of Defense shall continue to develop and improve controls and safety measures in all chemical warfare programs. (C)
- g. The Director of Central Intelligence shall continue to maintain surveillance of the chemical warfare capabilities of other states. (S)
- h. An Ad Hoc Committee chaired by the NSC shall conduct a periodic review of United States chemical warfare programs and public information policy, and will make recommendations to the President. (C)

3. With respect to Biological Research:

- a. The United States renounced the use of all methods of bacteriological/biological and toxin warfare in accordance with the terms of the Biological Weapons Convention.<sup>4</sup> (U)
- b. The United States has destroyed all stockpiles of bacteriological/biological and toxin materials and associated weapons systems. (U)
- c. The United States bacteriological/biological programs will be consistent with the provisions of the Biological Weapons Convention. (U)
- d. The Secretary of Defense shall continue to develop controls and safety measures in all defensive biological research programs. (C)
- e. The Director of Central Intelligence shall continue to maintain surveillance of the bacteriological/biological warfare capabilities of other states. (S)
- f. An Ad Hoc Committee chaired by the NSC shall conduct a periodic review of United States biological research programs and public information on policy, and will make recommendations to the President. (C)

NSDM 35<sup>5</sup> is hereby rescinded.

**Zbigniew Brzezinski**

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<sup>4</sup> The draft text of the Biological Weapons Convention is available in Department of State *Bulletin*, November 1, 1971, pp. 508–511. The United States, the United Kingdom, and the Soviet Union signed the Convention on April 10, 1972, and it entered into force on March 26, 1975.

<sup>5</sup> National Security Decision Memorandum 35, “United States Policy on Chemical Warfare Program and Bacteriological Research Program,” November 25, 1969, is printed in *Foreign Relations*, 1969–1976, vol. E–2, Documents on Arms Control and Non-proliferation, 1969–1972, Document 165.

**82. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, February 16, 1978, 1340Z

2411. CW message no. 31. Subject: US–USSR Chemical Weapons Negotiations, Seventh Round: Summary of Developments to Date.

1. Summary: As of February 13, the activity level of the seventh round of the US–USSR Chemical Weapons negotiations was reduced so experts would return to capitals for consultations. So far the round has been devoted to detailed exploration of the positions of the two sides. No further drafting has been undertaken so far. While the Soviets have moved closer to the U.S. position on some points, they have moved away in several areas which we previously believed were close to being resolved. All in all, only modest progress has been made in this round in resolving major issues. The tone of the meetings, however, continues to be workmanlike. End summary.

2. The seventh round of US–USSR Chemical Weapons negotiations began 10 January 1978. Eleven plenary and seven drafting group meetings have been held to date. As of 13 February 1978 the activity level was reduced so experts could return to capitals for consultations. Meetings of both the plenary and drafting groups will continue in the interim. (The period of reduced activity was requested by the Soviets, who indicated that they had “run out of material.” Judging from the comments of the Soviet experts, the Soviet Delegation had not expected the round to run past the end of January.) The seventh round is expected to resume on 29 March.

3. So far the round has been devoted to exploration of the positions of the two sides. No drafting has yet been undertaken.

A. At the beginning of the round the Soviets presented a “supplemented” draft convention containing twenty-four articles and two annexes. In effect, this represents an expansion of their previous articles on key issues into a fully elaborated draft convention.

B. At the outset the U.S. Del put forth detailed proposals for dealing with “important” precursors, “important” lethal and other highly toxic chemicals, and riot control chemicals. In addition, it presented the revised U.S. position on challenge inspection (i.e., to be requested by a state party rather than by the consultative committee).

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780071–0895. Confidential; Priority. Sent for information to Moscow, USNATO, London, Paris, and Bonn.

C. The drafting group sessions have been devoted to extensive question-and-answer exchanges, as each side attempted to clarify the details of the others position. (In several cases, the Soviets have not yet been able to respond to questions about their own proposals or the acceptability of U.S. suggestions.)

4. Generally speaking, during this round there has been relatively little movement toward resolving key issues.

A. On the positive side, the Soviets:

(1) Have dropped some terms the U.S. had objected to (e.g., single-purpose, dual-purpose, teratogen, carcinogen), but have retained others (e.g., chemical agent);

(2) Have agreed to put precursors under the general purpose criterion and have accepted, in principle, the U.S. proposal for a list of "important" precursors to serve as a focus for verification efforts;

(3) May be close to agreeing to accommodate the U.S. interest in protecting the uses of riot control chemicals specified in Executive Order 11850;<sup>2</sup>

(4) Are apparently willing to specify in the convention the rights and functions of verification personnel carrying out a challenge on-site inspection;

(5) Have agreed to several other points proposed by the U.S. (e.g., declarations in connection with destruction activities; inclusion of toxic chemicals of biological origin; prohibition of new production facilities; declaration of types and quantities of highly toxic commercial chemicals produced but they also take the position that each party will determine the form and content of its own declarations.)

B. On the negative side, the Soviets:

(1) Have dropped the toxicity threshold separating super-toxic lethal chemicals from other chemicals. This greatly complicates our effort to apply more stringent verification arrangements to super-toxic chemicals (e.g., nerve gas) than to less toxic commercial chemicals (e.g., hydrogen cyanide, phosgene);

(2) Have put forward positions which are not acceptable to the U.S. in several areas where we previously believed the two sides were fairly close:

—Quantities of otherwise prohibited chemicals to be produced or diverted for nonhostile military purposes. We had believed that both sides agreed that a limit should be specified. Now the Soviets would allow each state party to produce whatever it determines it needs.

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<sup>2</sup> See footnote 3, Document 81.



—Retention of chemical munitions. We had believed that both sides agreed that equipment to be used for protective training should not be suitable for offensive purposes. The Soviets now would allow the retention, in quantities to be determined by each state itself, of chemical munitions for protective training.

—Declaration of facilities for production of the means of chemical warfare. We had believed that both sides shared the view that present and former facilities would be declared. The Soviets now would declare only existing “capabilities,” (i.e., ability to produce), and reject declaration of individual facilities.

5. The tone of both the plenary and drafting group meetings has continued to be friendly and workmanlike.

**Vanden Heuvel**

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**83. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>**

Washington, March 24, 1978, 2248Z

77166. Subject: US–USSR Chemical Weapons Negotiations, Seventh Round: Supplementary Guidance. Ref: (A) State 4353<sup>2</sup> (B) Geneva 2410.<sup>3</sup>

State CW message—

1. This message provides general guidance for continuance of round seven discussions following return of experts to Geneva. This

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780131–0619. Confidential; Priority. Sent for information to Moscow, London, Bonn, and Paris. Drafted by Robert Mikulak (ACDA/MA); cleared by Les Denend (NSC), Robert Weekley (DOD), John Kokolas (CIA), and Margot Mazeau (ACDA); and approved by Thomas Davies (ACDA/MA).

<sup>2</sup> See Document 79.

<sup>3</sup> This February 16 telegram from the Mission in Geneva summarized the major issues the United States and Soviets would discuss during the seventh round of chemical weapons negotiations. These included: whether or not to exclude irritants or riot control agents from an agreement, verification provisions for “super-toxic” chemicals, which types of chemical weapons could be retained by the two nations, whether or not either nation could conduct “challenge inspections” should one believe the other had not complied with an agreement, a declaration by both sides of their current stocks of weapons and their production facilities, and international on-site verification, which the U.S. considered “the key unresolved issue.” (National Archives, RG 59, Central Foreign Policy File, D780071–0902)

guidance supplements that provided earlier (Ref A). Detailed responses to questions posed Ref A are being provided separately.

2. Del should seek to isolate those issues which resist resolution at Delegation level and thus may need to be addressed by senior officials on both sides. To permit such a judgment to be made, the Delegation should seek to focus bilateral efforts on resolving issues in the areas listed below, giving particular attention to verification. Specific issues and detailed U.S. views are presented in the approved guidance papers.

A. Irritants and riot control chemicals;

B. Provisions for super-toxic chemicals;

C. Type and quantity of chemicals and delivery devices which can be retained;

D. Challenge inspection-related questions:

(1) Rights and functions of personnel carrying out challenge on-site inspection,

(2) Obligation to provide a full explanation if a request for challenge inspection is refused,

E. Declaration of stocks and facilities,

(1) General declaration of stocks prior to entry-into-force of the convention,

(2) Declaration of facilities,

F. Required international on-site verification;

G. Extent of use of toxic chemicals in field training exercises.

3. In context of discussion of negotiation and implementation of any multilateral chemical weapons convention, the Delegation should assure Soviets that U.S. considers it important for the U.S. and USSR to work in close cooperation on a bilateral basis both before and after the convention comes into force. The Delegation should indicate that U.S. will present some ideas at a later stage—but would also welcome Soviets suggestions on the best mechanism for such bilateral cooperation and consultation.

4. Delegation should continue to brief allied reps in Geneva during course of negotiations. In addition, consultations with the UK, FRG and France should be offered in London, Bonn and/or Paris as appropriate.

5. We believe that period between round seven and round eight should be long enough for thorough review in capitals of status of negotiations. Due to participation of some US Del members in SSOD, it would not be practical to resume during SSOD. Del may tentatively agree on late July date for beginning round eight. Date should be subject to confirmation through diplomatic channels in mid-June.

6. Telegram State 71817 should be counted as State CW Message 19 (not repeat not 36).<sup>4</sup>

Vance

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<sup>4</sup> In telegram 71817 to Geneva, March 20, the Department authorized the Mission in Geneva to agree to reactivate the chemical warfare talks on March 25. (National Archives, RG 59, Central Foreign Policy File, D780123–0662)

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#### **84. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Washington, April 28, 1978, 1443Z

6458. Subject: US–USSR Chemical Weapons Negotiations, Round Seven: Summary of Developments Between Feb. 13 and April 26, 1978. Ref: Geneva 2411<sup>2</sup> (CW Message No. 31).

CW Message No. 49

1. The final meeting of the seventh round of the US–USSR Chemical Weapons negotiations was held April 26, 1978. For tactical reasons, the official concluding date will be set to coincide with the end in early May of the spring session of the conference of the committee on disarmament. The negotiations, which began January 10, were relatively inactive between February 13 and March 31 while experts on both sides were in capitals for consultations. (Developments between January 10 (beginning of round) and February 13, 1978, are summarized Reftel.) After the experts' return, the meetings were devoted to further presentation and exploration of positions. No drafting was undertaken.

2. The US Delegation put forward detailed views on treatment of irritants, procedures for challenge inspection, rights and functions of inspectors and the host party in connection with challenge inspections, quantities of toxic chemicals permitted for protective purposes, and the preparatory commission.

3. The Soviet Delegation responded to US presentations made during the first half of the round, but did not engage in extensive

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780182–0373. Confidential; Priority. Sent for information to Moscow.

<sup>2</sup> See Document 82.

question-and-answer exchanges about recent US presentations. Generally speaking, they also did not commit themselves on details in areas where agreement in principle has been reached.

4. While there was progress on some secondary issues, there was little progress in resolving the central outstanding issues, i.e., those relating to on-site verification.<sup>3</sup>

A. On the positive side, the Soviets:

(1) Have agreed to accommodate the US interest in protecting the uses of riot control chemicals in defensive military modes;

(2) Have agreed in principle that provisions for supertoxic chemicals should be different from those for less toxic chemicals;

(3) Have agreed in principle to establish a ceiling on the quantities of super-toxic chemicals allowed for protective purposes;

(4) Have accepted the US proposal on timing of declaration of stocks (i.e., within 30 days after entry into force);

(5) Are willing to accept a provision that a party which refuses a request must provide a detailed explanation;

(6) Indicated they are willing to discuss (at a later stage) the US proposal for a bilateral exchange of general information on stocks; and

(7) Stated they are studying US proposals on destruction of stocks.

B. On the negative side, the Soviets:

(1) Have not responded to US requests for clarification of their position on declaration of "capabilities" or on retention of munitions;

(2) Continue to reject the US proposals regarding declaration and destruction of CW production and filling facilities, as well as on-site verification at such facilities, without presenting any suggestions for a compromise;

(3) Continue to reject the US proposal that super-toxic chemicals be prohibited for hostile military purposes not related to chemical warfare; and

(4) Insist that the important issues be settled in principle before details are discussed in areas where agreement in principle has already been reached.

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<sup>3</sup> The Mission in Geneva reported on April 19 that Likhatchev said that he had "always held that a refusal for an on-site inspection would not affect the effectiveness of the convention if such a refusal were accompanied by a convincing explanation as to why the request was deemed unfounded." The Acting Head of the U.S. Delegation, Alexander Akalovsky, "noted with regret the absence of any Soviet movement on the issue of required on-site verification, to which the US attaches great importance." (Telegram 5940 from the Mission in Geneva, April 19; National Archives, RG 59, Central Foreign Policy File, D780168-0137)

5. The tone of both the plenary and drafting group meetings continued to be friendly and workmanlike.

Vanden Heuvel

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## 85. Intelligence Assessment Prepared in the Central Intelligence Agency<sup>1</sup>

SI 78–10044

Washington, May 1978

Soviet Civil Defense Against Chemical and Biological Warfare (OUO)

### *Key Judgments*

- The USSR has an extensive biological and chemical warfare civil defense program. The effectiveness of the program, however, is limited by the present lack of sufficient resources such as shelters and protective equipment. Preparations for defense against biological and chemical warfare are similar in some respects to those for defense against nuclear weapons and Soviet civil defense preparations against chemical, biological, and nuclear weapons have been and continue to be integrated.

- Most of the Soviet civil defense shelters appear to provide adequate protection against the effects of biological and chemical weapons. The standard-type shelters are equipped with ventilation-filtration systems that include filters specifically designed to remove chemical and biological contaminants. Currently about 10 to 20 percent of the urban population can be accommodated in these shelters and accommodations for 15 to 30 percent are to be built by 1985.

- Compulsory civil defense training in general is not taken seriously by the population. Nevertheless, those portions of the program dealing with chemical and biological weapons will generate at a minimum increased public awareness of the effects of such weapons and appropriate defensive measures.

- Soviet concern with civil defense against biological and chemical weapons continues even after a biological warfare treaty has been signed and talks on limiting chemical weapons are under way.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 12, Chemical Weapons, 5/78–11/80. Secret; Noform.

[Omitted here is the table of contents and the body of the assessment.]

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**86. Presidential Review Memorandum/NSC-37<sup>1</sup>**

Washington, June 16, 1978

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Director, Office of Management and Budget  
The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence

SUBJECT

Chemical Weapons (U)

The President has directed that the Special Coordination Committee undertake a review of the United States chemical weapons (CW) posture incorporating information acquired over the past year and covering the following:

1. An update on the CW threat, U.S. protective posture and U.S. retaliatory capability.
2. An assessment of the current bilateral negotiations with the USSR aimed at the preparation of a joint CW initiative for presentation to the Conference of the Committee on Disarmament (CCD) including:
  - Key elements on which some degree of agreement has been reached with the USSR.
  - Key elements on which agreement has not been reached, and possible approaches for resolution.
  - Prospects for agreement on a joint initiative consistent with the current U.S. negotiating instructions.
  - Consideration of extent of implementation of past decrease regarding U.S. CW stocks.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 12, Chemical Weapons, 5/78-11/80. Secret.

3. In light of the assessment per Paragraph 2, a review of the PD–15 decision<sup>2</sup> “that U.S. chemical warfare forces be maintained without force improvement” including a discussion of possible steps to modernize or restructure the U.S. CW posture.

The review should be completed by July 14, 1978.

**Zbigniew Brzezinski**

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<sup>2</sup> See Document 70.

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**87. Telegram From the Department of State to the Embassy in the United Kingdom<sup>1</sup>**

Washington, August 14, 1978, 1515Z

204929. Subject: Chemical Weapons Consultations With Allies: Guidance. Ref: (A) London 12331<sup>2</sup> (B) State 198190.<sup>3</sup>

1. This telegram provides guidance for the US Delegation during the bilateral Chemical Weapons consultations with the UK to be held in London on August 15 and quadrilateral CW consultations with the UK, FRG and France to be held in London on August 16.

2. In the August 15 bilateral consultations with the UK, the US Delegation should:

(A) Attempt to clarify the British position on declaration and disposition of UK Chemical Weapons production and filling facilities;

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780331–1199. Confidential. Sent for information to the Mission in Geneva, Bonn, Paris, and USNATO. Drafted by Robert Mikulak (ACDA/MA/AT); cleared by Roger Booth (ACDA/MA/AT), Robert Strand (ACDA/MA/IR), David Carlson (PM/DCA), Dufour Woolfley (EUR/NE), Susan Klingaman (EUR/CE), Edgar Beigel (EUR/WE), Sheila Buckley (DOD), [name not declassified], and [name not declassified]; and approved by Thomas Davies (ACDA/MA).

<sup>2</sup> In telegram 12331 from London, August 3, the Embassy informed the Department of State that the UK Foreign and Commonwealth Office had agreed to host a meeting on chemical weapons negotiations between U.S., UK, French, and West German experts on August 16. (National Archives, RG 59, Central Foreign Policy File, D780318–0118)

<sup>3</sup> In telegram 198190 to London, August 5, the Department of State informed the Embassy that “it would be desirable for US and UK experts to consult briefly, prior to the quadrilateral meeting,” on “questions of particular US–UK interest.” (National Archives, RG 59, Central Foreign Policy File, D780321–0203)

(B) Discuss the desirability and feasibility of further quadrilateral consultations later this year for the purpose of discussing the declaration of stocks under the CW convention and estimates of the Soviet/Warsaw pact Chemical Weapons stockpile. In our view such consultations would involve political, military and intelligence representatives. No more than two days would be necessary. US preferences regarding exact timing of these quadrilateral consultations cannot be expressed at this time, but will be made known in near future.

3. In the quadrilateral consultations on August 16, the Delegation should:

(A) Explore possible approaches to the question of the cut-off date for declaration of Chemical Weapons production and filling facilities;

(B) Discuss various options for disposition of such facilities, including the option currently being considered in Washington to permit conversion of such facilities to peaceful purposes under appropriate safeguards;

(C) Seek views on the US proposal that, as a confidence-building measure, information be exchanged on activities related to protection against Chemical Weapons;

(D) Ascertain how the FRG plans to follow up on Chancellor Schmidt's proposal at the UN special session on disarmament that other countries send representatives to Germany to see that it is possible to verify adequately a ban on production of Chemical Weapons;

(E) Propose that further quadrilateral consultations on stockpile declaration and estimates be held later in the year, as discussed above in para 2 (B). (This should only be raised if the UK has posed no objections in the earlier bilateral session.)

**Vance**



**88. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>**

Washington, August 14, 1978, 2201Z

205530. Subject: US–USSR Chemical Weapons Negotiations, Round Eight: Guidance. Refs: (A) Geneva 6497;<sup>2</sup> (B) Geneva 6492;<sup>3</sup> (C) State 197704.<sup>4</sup> State CW Message No. 3

1. This message provides general guidance for round eight. Detailed responses to the questions posed Ref A are being provided separately in the guidance package.<sup>5</sup> Highlights are outlined in paras 5–7 below.

2. During round eight the Delegation should: a) Actively seek Soviet views in areas where the Soviets have not yet responded to US questions and proposals, particularly Ref C, b) Seek to clarify and resolve as many of the remaining issues as possible and c) Seek to clarify and consolidate areas of agreement through drafting agreed language for a joint initiative.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780332–0685. Confidential; Priority. Sent for information to Moscow, London, Bonn, Paris, and US-NATO. Drafted by Robert Mikulak (ACDA/MA/AT); cleared by Les Denend (NSC), Gelb (PM), Sheila Buckley (DOD), Flowerree (ACDA/MA/IR), Roger Booth (ACDA/MA/AT), Margot Mazeau (ACDA/GC), and [name not declassified]; and approved by Thomas Davies (ACDA/MA).

<sup>2</sup> In telegram 6497 from the Mission in Geneva, April 28, the Mission recommended that the Department of State consider a number of questions for discussion during future chemical weapons negotiations, including how the United States would verify Soviet compliance with a treaty and how international would inspectors be chosen. (National Archives, RG 59, Central Foreign Policy File, D780182–0762)

<sup>3</sup> Telegram 6492 from the Mission in Geneva, April 28, summarized the unresolved issues between the U.S. and the Soviet Union at the end of round seven of chemical weapons negotiations. These included: the rights and functions of inspection personnel and host state during challenge on-site inspection, a declaration of existing stocks and facilities, the destruction of facilities, and international on-site inspection of destruction of stocks and facilities. (National Archives, RG 59, Central Foreign Policy File, D780182–0779)

<sup>4</sup> Telegram 197704 to Moscow, August 4, included the text of a Non-Paper that ACDA Assistant Director Thomas Davies had given to Soviet Embassy Minister-Counselor Bessmertnykh earlier that day in Washington. The Non-Paper explained that the U.S. considered the “group of issues related to chemical weapons production and filling facilities poses one of the most important obstacles to a joint initiative. Unfortunately the two Delegations have made little progress on these issues.” The U.S. suggested that both nations declare all facilities for the production of chemicals “that are primarily useful for chemical weapons purposes” and “the filling of chemical weapons” and as soon as a state became party to a chemical weapons convention, “such facilities should be place in an inactive (‘mothballed’) status.” These facilities would then be destroyed “by an agreed deadline” and the “mothballing and destruction” of these facilities “would be verified by international on-site inspection.” (National Archives, RG 59, Central Foreign Policy File, D780320–0046)

<sup>5</sup> Not found.

3. In addressing remaining issues the Delegation should devote particular attention to trying to resolve the issues cited Ref B, which are listed below:

(A) Required international on-site inspection of destruction of stocks and disposition of facilities.

(B) Declaration of stocks and facilities.

—General declaration of stocks prior to entry into force of the convention

—Declaration of facilities

(C) Destruction of facilities.

(D) Rights and functions of inspection personnel and host state personnel during challenge on-site inspection.

4. We believe it is important to resume drafting of agreed language in order to nail down general points on which the two sides appear to agree and to specify the more detailed points which are essential to make agreement on the general points meaningful and effective. For these purposes we believe that language which is more detailed than that discussed in round six is necessary. In drafting, the Delegation should be guided by the format and formulations contained in the set of "expanded key elements", which is being provided separately.

5. Key points in the guidance package:

(A) Detailed guidance has been provided for the first time concerning the exchange, for confidence-building purposes, of information on activities related to protection against Chemical Weapons.

(B) A background paper is provided on the methods the US would employ for destruction of agent and weapon stocks. (This is for use by the Delegation in trying to elicit analogous information from the Soviets.)

(C) The US considers it important for the US and USSR to work in close cooperation on a bilateral basis both before and after the convention comes into force. It would be best to continue to use the existing bilateral Chemical Weapons working group as the forum for bilateral consultations unless it becomes clear that other arrangements are needed.

(D) An alternative approach is outlined for prohibition of super-toxic chemicals for military purposes not related to chemical warfare.

6. The US position on the deadline for destruction of stocks has been further elaborated. Previously the US proposed that at least eight years be allowed. We now believe it desirable to be more specific and are prepared to accept ten years as the deadline. The deadlines for beginning and completing the destruction of facilities would continue to be eight years and ten years after entry into force, respectively.

7. The following points are still under review:

(A) Conditions under which the US may be prepared to permit conversion of facilities (rather than requiring their complete destruction).

(B) Whether to adopt a bilateral approach to mandatory on-site inspection of facilities.

(C) Whether to change proposed cut-off date for declaration of facilities from January 1, 1940 to January 1, 1947.

8. The Delegation should continue to brief allied representatives in Geneva during the course of the negotiations. In addition, an offer should be made to hold consultations with the UK, FRG and France at the end of the round in London, Bonn and/or Paris as appropriate.

9. We currently expect round eight to end in late September or early October and believe that it would be desirable to hold another round before the end of the year if possible. Most feasible period would be from late November to late December.

**Christopher**

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**89. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, August 18, 1978, 1743Z

12636. Subject: Chemical Weapons Negotiations: Consultations With Allies. Ref: State 204929.<sup>2</sup>

1. Summary: US reps held bilateral consultations on Chemical Weapons limitations with the UK in London on August 15 and quadri-lateral consultations (US, UK, FRG, France) on August 16. Allies generally supported US position on exchange of information on chemical protective measures, on conversion of chemical agent production facilities, and on value of consultations later in the year on certain questions related to declaration of Chemical Weapons stockpiles. British also raised matter of resolution on CW at coming UNGA. In bilateral session, they discussed preparations for Biological Weapons Convention Review Conference including need for UNGA resolution which they

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780338–0732. Confidential; Priority. Sent for information to Bonn, London, USNATO, and Paris.

<sup>2</sup> See Document 87.

are drafting for possible sponsorship by depository powers. End summary.

2. US and UK representatives held bilateral consultations on Chemical Weapons limitations in London on Tuesday, August 15, 1978. Salient points are summarized below:

A. In response to questions from UK Del about outlook for round eight of the US-Soviet Chemical Weapons negotiations, US reps reported that Russians do not expect to have much new material to present. However, there has been no evidence of a deliberate Soviet slowdown. The US Del will put emphasis on resolving outstanding issues and on drafting common language in areas of agreement.

B. British Del head (Burns) inquired whether US had considered submitting partial initiative to the CCD which left verification section blank. He said that pressure from other CCD members might force Russians to make concessions on verification. US Del head (Flowerree) responded that US had no plans for such a partial initiative and considered it important to resolve verification issues before submitting an initiative to the CCD.

C. US reps outlined proposal to be made to Soviets for confidence-building measure involving exchange of information on chemical protective activities. They also indicated that Washington agencies were considering possibility of allowing conversion of chemical agent production and filling facilities to peaceful purposes, under appropriate safeguards.

D. After Burns raised question of an agreed estimate of Soviet CW stocks, US reps conveyed suggestion for quadrilateral consultations late in year as instructed Reftel. US reps said that US envisioned participation of political, military, and intelligence representatives. Burns stressed importance of US-UK intelligence conference scheduled to begin in late October, but agreed that quadrilateral consultations would also be useful and said he could support US proposal for such consultations.

E. Burns said that UK had no plans to make statement at the CCD during informal CCD meetings on Chemical Weapons week of August 21-25. Looking ahead to UNGA, UK had prepared draft CW resolution along lines of last year's resolution (text septel).<sup>3</sup> He thought that as in past it might be appropriate to ask Canada and Poland to act as sponsors of resolution.

F. British presented further information on former UK chemical agent production facilities. There would be no objection to having inspectors walk through former production buildings owned by Imperial

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<sup>3</sup> Not found.

Chemical Industries (ICI). These buildings are now used only for storage. ICI would also be willing to have inspectors walk through surrounding chemical complex and look into “from the doorway.” At the site (Springfields) used by British Nuclear Fuels (BNF), there are two former production buildings which are not in use. While destruction would not appear to be a problem at the BNF site or another site (Valley) used by the Department of the Environment, razing the ICI buildings would be more difficult but not out of the question. It was mainly a question of deciding who would pay for the work of dismantling. (Comment: It appears that British can now accept US position that CW agent production and filling facilities should be destroyed. End comment)

G. Burns also pointed out need for UNGA to pass a resolution establishing a preparatory committee for the Biological Weapons Convention Review Conference to be held in 1980. The UK is preparing a draft resolution and will provide it to us in the near future. Burns said Dutch believed that whether convention covers military applications of genetic engineering would be a controversial issue at the Review Conference. He asked for US comments on Dutch suggestion that CCD experts group be set up to review this issue in an attempt to defuse it. US reps responded that such a group could be counterproductive since issue, which arose several years ago, now appeared quiescent. UK reps agreed that establishing such a group of experts in the CD appeared undesirable.

2. Quadrilateral consultations (US, UK, FRG, France) on chemical weapons limitations were held in London on Wednesday, August 16, 1978. Salient points are presented below:

A. As at bilateral session, US reps outlined prospects for round eight, reviewed the US proposal for exchange of information on chemical protective activities, and discussed a possible change in the US position in order to permit conversion of chemical agent production facilities to peaceful purposes under appropriate safeguards. There was general acceptance that the negotiations will be slow and general support for the US proposals on exchange of protective information and on conversion of facilities.

B. The British expressed a strong preference for using 1940 as the cutoff date for facilities to be declared. FRG Del head (Von Arz) said that 1940 was certainly acceptable to the FRG, although the 1947 date would be “optically nicer”. French representative (De Bellescize) said he had no specific instructions, but that the more comprehensive the agreement, the better. He [said] France would therefore prefer the 1940 date.

C. Von Arz discussed FRG invitation at the UN special session on disarmament to government experts to visit the FRG to see that verifi-

cation of non-production of chemical weapons was possible. He said the details of the visit are being worked out by the German federation of chemical industry and that an announcement would be made at the coming UNGA session. The visit will be modeled on a 1977 Pugwash visit to a German chemical plant and will probably take place in the spring or summer of 1979. Von Arz promised to stay in close contact with the US Embassy in Bonn as plans are developed.

D. US reps outlined suggestion for quadrilateral consultations later in the year on stockpile declarations and estimates with participation of political, military, and intelligence reps. Burns stated that it would be best to discuss this matter among the four before raising it in NATO. (Germans had suggested at an earlier meeting that stockpile estimates be discussed in NATO.) There was no immediate German comment on the US suggestion, but during the luncheon that followed, German reps eagerly sought further details on proposed consultations.

3. As in previous quadrilateral sessions, French sent Embassy representative but did not participate actively. French representative said, however, that in Paris interest in the CW negotiations is increasing. He indicated informally that the French might send a technical expert to the next session.

[Omitted here is the list of participants.]

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## 90. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>

Geneva, September 15, 1978, 0849Z

13849. Subject: US-USSR Chemical Weapons Negotiations. Preparations for Round Nine.

CW Message No. 18

We recommend that preparations for round nine focus on the items listed below:

1. How should the U.S. react to the Soviet proposals regarding non-transfer and declaration of previous transfers?
2. How should the U.S. react to the Soviet proposals regarding non-circumvention?

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780375-0858. Confidential; Priority. Sent for information to Moscow.

3. What super-toxic chemicals should be placed on the “important” chemicals list.

4. How should the U.S. respond to Soviet suggestions concerning the list of “important” precursors?

5. What are U.S. views on whether and how to seek a U.S.-Soviet understanding on the purposes for which safe riot control chemicals may be developed, produced and stockpiled?

6. What capability does the PRC have to conduct chemical warfare?

7. Are there any steps which might be taken to make it easier for the Soviets to accept entry into force without the participation of the PRC?

8. Can the U.S. position on declaration and verification related to facilities be adjusted to improve negotiability while still giving the U.S. adequate information and access to the facilities?

9. Preparation of an informal paper summarizing the US position for exchange with the Soviets.

**Vanden Heuvel**

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**91. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, September 15, 1978, 1223Z

13860. Subject: US-USSR Chemical Weapons Negotiations, Round Eight: Summary of Developments. CW Message No. 17. Ref: Geneva 6492.<sup>2</sup>

1. Round eight of the US-USSR Chemical Weapons Negotiations, which began on August 18, 1978, ended on September 14, 1978. During that period six plenary and five drafting group meetings were held.

2. Discussions during the round focused on the scope of prohibition and on declaration and verification provisions relating to Chemical Weapons production and filling facilities. There was no progress in resolving the central outstanding issues, e.g., those relating to declara-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780376-0142. Confidential; Priority. Sent for information; Priority to Bonn. Sent for information to London, Moscow, Paris, and USUN.

<sup>2</sup> See footnote 3, Document 88.

tions and verification. The major issues remain as discussed Reftel. On secondary issues results were mixed; some progress was made on a few points, on a number of issues the U.S. was unable even to obtain a clear statement of Soviet views.

A. On the positive side, the Soviets:

(1) Finally responded to U.S. requests for clarification of their position regarding production "capabilities" (albeit in an unsatisfactory fashion as noted subpara 2B(2) below).

(2) Responded favorably to some aspects of the U.S. proposal to prohibit transfer of certain super-toxic chemicals to non-parties.

(3) Responded favorably to the U.S. proposal that the ceiling on possession of super-toxic chemicals for protective purposes be one ton although differing with other aspects of the U.S. proposal.

(4) Accepted part of the U.S. list of "important" precursors.

B. On the negative side, the Soviets:

(1) Have provided only vague confirmation of what in U.S. view are areas of agreement already reached regarding scope.

(2) Continued to reject the U.S. proposals regarding declaration of CW production and filling facilities, proposing instead to declare only aggregate production capacities.

(3) Continued to reject any pre-agreed OSI without offering any suggestion for compromise.

(4) Have reiterated their initial position that only those precursors which are used in the final production stage should be covered.

(5) Specifically mentioned PRC's adherence in context of entry into force implying this may be requirement for entry into force of convention.

(6) Maintained their position that use of chemical munitions should be allowed for protective training purposes and that super-toxic chemicals for military purposes not related to chemical warfare should not be prohibited.

(7) Rejected U.S. proposal for centralization of production of super-toxic chemicals for protective purposes.

3. While the tone of both the plenary and drafting group meetings continued to be friendly, the Soviets resisted U.S. efforts to engage them in give-and-take discussions. In comparison to past rounds the Soviet representatives were much more restrained in drafting group sessions. It is not possible to assess to what degree this Soviet behavior in the negotiations was governed by overall bilateral relations and to what degree by the issues in the Chemical Weapons negotiations. As regards such issues, however, it is increasingly apparent that declarations and pre-agreed verification are the critical issues and until these



matters are resolved, it will be difficult to make progress on other issues, even if there is no direct connection.

4. We recommend that consideration be given to raising these issues at senior political level in the near future.

5. List of detailed backstopping tasks is being provided septel.<sup>3</sup>

**Vanden Heuvel**

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<sup>3</sup> Not found.

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**92. Memorandum From the Acting Assistant Secretary of Defense for International Security Affairs (Slocombe) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, November 9, 1978

SUBJECT

Chemical Weapons

The Department of Defense has reviewed the working group draft of the response to PRM-37<sup>2</sup> and offers the following comments and recommendations. We are providing separately to your staff a marked up copy which offers improvement to a number of apparent editorial problems.

The PRM-37 draft response addresses all of the points in PRM-37 and provides negotiating alternatives and chemical weapons posture modernization alternatives which will require timely decisions. However, the document is too long and some key points are obscured.

In the sections which describe the current status of the negotiations (paras 11.A.3, 4, 5; pages 11-6 to 11-23), the methodology of presentation and the terminology tend to obscure where we stand on individual issues with the Soviets and the relative importance of those issues. For

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-81-0201, Box 39, 370.64 CBR Oct 1978. Secret.

<sup>2</sup> Attached but not printed is an October 20 draft prepared in response to PRM/NSC-37.

example, the draft response discusses the status of each of the PD/NSC-15 key elements but it is not clear on precisely what material the Soviets have apparently agreed or disagreed, nor is the depth of disagreement clear. For example, the draft response states that "most of the issues" on scope have been resolved, that the Soviets have accepted many of the "general points" within the U.S. key elements, and that various "aspects" of the U.S. position have been resolved, although most "details" which are "essential to give meaning to the 'general point' remain to be resolved" (pages 11-6, 7). The relative importance of "issues," "general points," "aspects," and "details" is obscure. It is misleading to infer that we are making good progress when most "details" have not been agreed to. In fact, serious disagreements exist on key elements having to do with declarations of chemical weapons and facilities, and verification. The reference on page 11-20 to the U.S. proposal concerning challenge on-site inspections in the comprehensive test ban negotiations is misleading because technical data provided by on-site access would be indispensable to verifying an agreement.

The General Assessment of the negotiations (page 11-23) provides an inadequate wrap-up of the status of negotiations. It should point out, for example, that no agreement is possible unless one of the parties changes its basic position on such central issues as declaration, destruction and verification of stocks and facilities. The Soviets have given no indication that they are prepared to compromise on key issues.

The section "Rationale For Relying on Non-Chemical Means for Deterring Chemical Attack" (pages 111-12 to 111-20) presents analysis and argumentation which does not adequately address the military concerns expressed elsewhere (pages 111-3 to 111-5) and contains numerous assertions for which support is not provided.

#### *RECOMMENDATIONS:*

An issues/discussion paper should be prepared for SCC review to resolve the question of whether to take measures now to improve the U.S. chemical retaliatory capability and, if so, which alternatives should be pursued. The SCC should also address the three suggested alternatives in the U.S. negotiating position addressed in the PRM-37 response.

An Executive Summary of the PRM-37 response should be prepared for common use by each agency. This summary should contain appropriate excerpts from the annexes such as the views regarding Soviet intentions (Annex B) and the Soviet assessment of U.S. capabilities (Annex D).

The main body of the PRM response should contain frequent references to particularly relevant material found in the annexes.

Table 1 on page 111–25 should be deleted because there is insufficient analysis to support the data and the data are unnecessary for this PRM response.

The OJCS concurs.

**Walter Slocombe**

*Acting Assistant Secretary of Defense  
International Security Affairs*

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**93. Telegram From the Department of State to the Embassy in the Federal Republic of Germany**

Washington, November 9, 1978, 2240Z

[Source: National Archives, RG 59, Central Foreign Policy File, D780463–1054. Secret; Immediate. 7 pages not declassified.]

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**94. Telegram From the Embassy in the Federal Republic of Germany to the Department of State<sup>1</sup>**

Bonn, November 14, 1978, 1711Z.

21058. Subject: Consultations With Allies on Chemical Weapons (CW) Negotiations. Refs: (A) State 285427,<sup>2</sup> (B) State 273489.<sup>3</sup>

1. Summary. Principal topics in quadrilateral (US, UK, FRG, France) consultations on November 13 were size of Soviet chemical weapons stockpile and plans of FRG and UK to invite government experts for confidence-building visits to organophosphorus chemical plants. FRG and UK agreed with US [3 lines not declassified] End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780468–0531. Confidential; Priority. Sent for information to USUN, London, Paris, and USNATO.

<sup>2</sup> See Document 93.

<sup>3</sup> Telegram 273489 to Bonn, October 27, provides the list of U.S. participants in the quadrilateral discussions and discusses logistical associated with the discussions. (National Archives, RG 59, Central Foreign Policy File, [no film number])

2. Quadrilateral consultations (US, UK, FRG, France) on chemical weapons negotiations were held Monday, November 13, 1978 in Bonn. Salient points in discussion are summarized paras 3–12. Delegation lists given para 13.

3. US presentation. US reps began consultations by presenting views contained Ref. A on estimating Soviet chemical weapons stockpile and on judging eventual Soviet stockpile declaration. Principal conclusion was that we may have difficulty in judging the accuracy of the overall quantity declared by the Soviets, but that it may be possible to make a rough judgment about whether the quantity appears “unreasonable” or not.

4. Allied reactions. Burns (UK Del. Head) responded that a rough judgment was really the objective. [8 lines not declassified] He pointed out that this should be seen in a proper perspective. Similar problems would be encountered in trying to estimate Soviet stocks of other types of munitions. Col. Christen (FRG) responded that the FRG had come to the same conclusion as the US and UK. There was no detailed discussion of information presented by US reps.

5. Continuation of intelligence efforts. Burns (UK) suggested that, rather than launch a special NATO study (an idea advocated earlier this year by the FRG), the four countries should continue their own separate efforts or divide up the task (another FRG suggestion) and periodically exchange views. Christen (FRG) promised that the FRG would provide any new information to the others and asked that they do the same.

6. Soviet CW program. Burns (UK) asked if the Soviets had shown the same restraint as the US in pursuing a chemical weapons program during the bilateral negotiations. [3 lines not declassified]

7. Convertibility of commercial chemical facilities. Zeil (FRG) raised question about possibility that Soviets could use insecticide plants for nerve agent production. Reid (UK) replied that conversion would be difficult unless the plant had been specifically designed with that possibility in mind. He said that in addition to plants producing highly toxic insecticides, chemical plants employing chemical processes similar to those used in nerve agent production might also be convertible. US experts said US was still studying convertibility question but that prior planning appeared to be necessary.

8. China. Burns (UK) asked if Soviet relations with the PRC might be one reason for Soviet reticence in the bilateral negotiations. He asked if Soviets had made Chinese participation a condition for entry into force of the convention and if the US had had any discussions with the PRC. Burns mentioned that before the UK tabled its draft CW convention in 1976, Chinese comments had been sought, but none had been forthcoming. Akalovsky (US) responded that although the Soviets had

not made Chinese ratification an explicit condition for entry into force, they had strongly implied it. He said he was not aware of any US–PRC discussions on CW questions.

9. US CW program. In response to questions from UK reps, Leonard (US) said principal problem with US stocks was not deterioration, but rather obsolescence of munitions, which cannot be arrested. He noted that no decision had yet been taken on the DOD L budget request for funds to construct a binary Chemical Weapons production facility.

10. Confidence-building visits. Following up on FRG proposal at the UN special session on disarmament, Von Arz (FRG) provided Dels with draft letter<sup>4</sup> to the UN Secretary General inviting UN members to send experts to a workshop on verification of ban on manufacture of Chemical Weapons. He said workshop would involve visits to four chemical plants and a round-table discussion. Tentative workshop dates are March 14–16, 1979. Burns added that UK was considering possible invitation in the committee on disarmament for experts to visit the former UK nerve agent pilot plant at Nancekuke, Cornwall. (This facility is now being demolished.) He said trip could include visit to a commercial organophosphorous chemical plant and a display of military chemical defensive equipment. Burns said UK visits might follow immediately after FRG workshop. In response to FRG and UK requests for US reaction on timing of visits, Akalovsky said on personal basis that mid-March, 1979 would not appear to affect the US–USSR negotiations adversely. He said US would provide official reaction as soon as possible.

11. Committee on Disarmament (CD). Burns (UK) asked what can be done in the CD on Chemical Weapons. He noted interest of majority of CD members in having a meaningful role in negotiation of a CW convention. Burns suggested that CD might first discuss technical methods for destruction of CW stocks and then take up possibility of destruction of such stocks at an international facility. Akalovsky (US) responded that General US view was that for now it would be best to avoid introducing controversial points into the CD. Effort in the CD to work out some part of a CW convention in isolation from the rest would not be productive. He added that the concept of an international destruction facility was interesting and would be given consideration.

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<sup>4</sup> The draft letter is recorded in telegram 21800 from Bonn, November 28. The West German Government said in the letter that it considered “the conclusion of a convention concerning an effective and comprehensive ban on chemical weapons as an already existing means of mass destruction a matter of urgent priority.” (National Archives, RG 59, Central Foreign Policy File, D780490–0710)

12. French views. French rep (Masset) asked several questions to clarify US views but did not participate actively in discussions.

[Omitted here is the list of participants.]

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95. **Memorandum From Jessica Tuchman Mathews and Leslie G. Denend of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski) and the President's Deputy Assistant for National Security Affairs (Aaron)<sup>1</sup>**

Washington, November 30, 1978

SUBJECT

SCC Meeting on PRM-37—Chemical Weapons

*Introduction*

Since June of last year, the United States has been operating under the policy guidance established in PD-15<sup>2</sup> calling for: bilateral negotiations with the Soviets (we have kept our allies informed) based on 15 key elements which would hopefully lead to the submission of a joint initiative to the CCD for a comprehensive CW ban; and maintenance of the U.S. CW stockpile without improvement. PRM-37<sup>3</sup> was made necessary by the PD-15 direction that the decision on the U.S. stockpile be reviewed during the FY 1980 budget cycle on the basis of progress in the negotiations.

The primary purpose of this meeting is to determine whether or not to recommend to the President that module I of an integrated binary production facility (\$18 million in FY 1980) should be included in the FY 1980 Defense budget. However, the discussion should also address the broader question of other possible actions to modernize or restructure the U.S. stockpile. The Agenda which was circulated for the meeting is at Tab A.<sup>4</sup> An interagency discussion paper is at Tab B.<sup>5</sup> The

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 100, SCC 170, Chemical Weapons, 12/1/78. Secret. Sent for action.

<sup>2</sup> See Document 70.

<sup>3</sup> See Document 86.

<sup>4</sup> Attached but not printed.

<sup>5</sup> Attached but not printed.

PRM-37 response with an executive summary is at Tab C.<sup>6</sup> However, this memorandum is all that you need to read.

### *Overview*

State and ACDA believe that the negotiations have proceeded about as expected, while the JCS feels that there has been insufficient progress to warrant a further delay in modernizing and expanding the U.S. chemical stockpile. The five rounds during the past 15 months confirm that on-site verification provisions present the most difficult issues. Progress will be slow at best and a breakthrough in the near future should not be expected.

The U.S. stockpile suffers from two major deficiencies: the number and type of munitions, and their location. The U.S. has about 30,500 agent tons of which only 7,200 tons are usable. Over the next seven years, the 7,200 tons will be reduced gradually to 2,400 tons because of obsolescence and deterioration. Of the 7,200 tons, roughly 450 tons are stored at one site in Germany. The deployment of additional chemical munitions to forward positions in Europe has not been possible because our Allies remain quite negative on this issue. Importantly, Defense has not established a requirement for a chemical weapons stockpile of a specific size. Since there is no overall concept of how chemical weapons would be employed, it is not possible to estimate consumption rates and, thus, a requirement. JCS has established a figure of 30,000 agent tons but it has not been validated in DOD.

The politics within the Pentagon on the CW issue are significant. There are sharp differences between OSD and JCS. The Army Chemical Corps supported by the JCS is fighting for its very existence, and has been fanatic in its push for substantial improvement in the U.S. stockpile. When this dimension is added to JCS skepticism about the negotiations, the result is a vocal minority dedicated to binary production. In general, the services do not grant a high priority to CW. It complicates their planning, increases cost, and is a form of combat which on emotional grounds is distasteful. An important aspect of the meeting will be to determine just how strongly Harold Brown feels about the binary facility. We have heard that he fully expects it to be cut by OMB and only included it to avoid a fight in his building.

### *Issues*

1. *Proposed Changes to CW Negotiating Instructions:* Based on the experience of the past 15 months, three changes to the key elements contained in PD-15 have been suggested. These involve technical points for the most part (e.g., the allowed period for destruction of facilities)

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<sup>6</sup> Attached but not printed.

and would normally be resolved within the delegation. However, the JCS has asked that they be referred to higher authority. In the interest of time and the real purpose of the meeting, we recommend you defer discussion of the proposed changes and instead call for a memorandum. The changes are straight-forward and can be decided on paper. None are urgent.

*RECOMMENDATION:* That you defer discussion of this issue and call instead for a memorandum to resolve it.

2. *Options Affecting the U.S. Chemical Weapons Stockpile:* You should begin the discussion of this issue by asking ACDA and the JCS to summarize their quite different concepts of how best to deter chemical warfare. The JCS believes that a capability to retaliate in kind is essential. ACDA believes that for a number of reasons (e.g., our inability to forward deploy chemical munitions), the U.S. may not be able to acquire a credible capability to retaliate in kind and therefore, argues for deterrence based on an adequate protective posture plus conventional and nuclear forces. These views are significant since they determine one's position on improvements to the CW stockpile.

There are three principal options:

(1) *Maintain the Current Chemical Stockpile Without Quantitative Improvement.* Normal maintenance and surveillance would be performed, but no steps would be taken to increase the stockpile. Obsolescence and deterioration would gradually erode the stockpile over the next several years. During FY 1980 the stockpile will contract roughly 750 tons because the 105mm artillery rounds become obsolete.

(2) *Improve the U.S. Chemical Weapons Stockpile with Particular Attention to Upgrading Seriously Deficient Areas* (e.g., weapons designed for delivery by high performance aircraft). This could involve a range of actions from modest improvements to current munitions through the filling of present generation munitions from stockpiled bulk agent to the production and filling of new munitions with newly produced conventional agent. Because those most closely associated with CW in the military are so intent on construction of the binary facility, they have not focused seriously on the specifics of this option. It is not likely that this option will be looked at carefully until the binary facility is ruled out.

(3) *Proceed with Preparations for Binary Munitions Production.* This would involve establishing a facility to produce the 155mm binary howitzer projectile, for which all R&D and facility design work has been completed. Decisions about actual assembly of munitions, production of component chemicals, or expansion of the facility for production of other binary munitions would be deferred. This is the first step in a program which could lead eventually to expenditures totaling \$2.0 billion.



Politically, this is among the most sensitive issues with the Congress. The facility has been removed from the budget by the Congress each time it was proposed by the previous administration. Congressional attitudes on this issue have not changed significantly. If the facility were proposed this year, it would take an enormous Administration effort on the Hill to keep it there and even then the outcome would be uncertain. State, ACDA, OMB and, we suspect, even OSD oppose construction of a binary facility.

*RECOMMENDATION:* That you firmly oppose the binary facility. A good outcome for the meeting would be a clear disapproval of the binary facility coupled with firm directions to Defense to investigate possible steps to improve the effectiveness of the U.S. CW stockpile which are relatively inexpensive and politically feasible. Defense should work with OMB so that the options developed include the cost.

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## 96. Minutes of a Special Coordination Committee Meeting<sup>1</sup>

Washington, December 1, 1978, 9:37–10:37 a.m.

### SUBJECT

Chemical Weapons (U)

### PARTICIPANTS

#### *State*

Deputy Secretary Warren Christopher

Mr. Jerome Kahan, Deputy Director, Bureau of Politico-Military Affairs

#### *OSD*

Deputy Secretary Charles Duncan

Lt. Colonel Robert K. Weekley, Assistant for Negotiations and Policy Plans,  
OSD/ISA

#### *ACDA*

Acting Director Spurgeon Keeny

Dr. Robert Mikulak, Staff Officer

#### *JCS*

General David C. Jones, Chairman

Lt. General William Y. Smith, Assistant to the Chairman

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 100, SCC 170, Chemical Weapons, 12/1/78. Secret. The meeting took place in the White House Situation Room.

CIA

Dr. Karl Weber, Director, Office of Scientific Intelligence

OMB

Mr. Edward R. Jayne, Associate Director for National Security and International Affairs

White House

Mr. David Aaron (Chairman)

NSC

Mr. Leslie G. Denend

### MINUTES

David Aaron began the meeting at 9:37 by calling for views on how the chemical weapons stockpile figures in the deterrence of chemical warfare. Duncan said that the stockpile provides substantial deterrence if we have a true CW capability. Jones pointed out that CW was not used in World War II because each side had a capability. He agreed with Duncan's view and added that the U.S. stockpile is not very good and that only a small amount of artillery rounds were deployed in Europe. He felt the U.S. must have a reasonable war-fighting capability along with adequate protection. Keeny acknowledged that the existence of the stockpile has a deterrent role; however, he questioned how effective it was operationally. He felt sure that if the Soviets used CW they would also have adequate protection. He asked whether the U.S. in light of Congressional and NATO political realities could achieve a credible retaliatory capability. Duncan noted the political problems associated with deployment but added that a CW capability was still necessary. Jones added that the likelihood of CW in Europe could increase as our tactical nuclear advantage narrowed, and added that the deployment of binary munitions would be easier than conventional types. Keeny pointed out that CW was a potential super neutron bomb in a political sense and said that the Europeans do not even want to think about the prospect of CW in Europe. Christopher observed that there was value in a retaliatory capability, but how it was developed would be affected by three realities: how the allies view it; Congressional reaction; and the prospects in the CW negotiations. Jayne agreed with Christopher and stressed the importance of the political dimension of CW. [7 lines not declassified]

Aaron outlined the *three options* developed in the PRM: (1) maintain the stockpile without improvement; (2) undertake steps short of new production facilities to modernize the stockpile; or (3) build a binary facility deferring the production decision. Duncan favored building the binary facility. Jones strongly supported the binary facility. He added that roughly two thirds of the cost of the facility could be recovered in the event of a treaty since it could be used for the destruction of U.S. stocks. Christopher disagreed and said that option 2

had not been fully developed. He suggested that modest steps (those at the low end of option 2) might be undertaken to arrest further erosion of the stockpile. He added that to go binary would send very negative political signals. Keeny agreed with Christopher, and Jayne did also. Duncan called into question the notion that in reality option 2 would be cheaper than option 3 for similar capabilities. Jones agreed. Aaron questioned whether formulating the question so that only the binary facility seemed at stake adequately reflected the true scope of the decision at hand. Duncan added that the U.S. needs a CW capability for deterrence and given that, binary was the best way to go. Aaron pointed out that it was not a question of whether or not to maintain a stockpile but rather one of which type the U.S. would commit to. He framed the issue for the President as on the one hand replacing and increasing the present stockpile with binary munitions versus more modest steps to improve the effectiveness of the current stockpile with no increase in deployments to Europe. Christopher added that option 2 needed to be fleshed out. Jones stated that without a verifiable treaty, we need CW capability and in the long run, binary is the only way to go. Christopher noted that before a decision in favor of binaries was made more information about Congress and our allies was needed. (S)

Next, Keeny described the proposed changes to the negotiating instructions. All agreed that the time period allowed for the destruction of facilities should be clarified and made independent of the destruction of stocks. On the conversion of facilities, Keeny said it would only be offered if the Soviets agreed to the higher on-site verification requirements. Jones commented that because there was so much necessary information about Soviet facilities which we did not have that it was premature to discuss conversion. Smith asked why the decision had to be made now. Duncan added that the Soviets are not even prepared to tell us where their facilities are at this point. Christopher asked if the negotiators would be willing to agree to explore the topic but agree to nothing. Mikulak responded that up to this point conversion had been mentioned in the talks only to say that if conversion were allowed more intrusive on-site inspection would be required. Aaron felt that the Delegation should be limited to exploring the conversion issue with the Soviet Delegation. All agreed. Jones added that the Soviets may even prefer destruction because of the on-site inspections associated with conversion. On the issue of bilateral versus multilateral inspection of facilities, Keeny explained that this would be an option which might be used only if it proved important in reaching agreement with the Soviets. Jones emphasized that we were seeking a true multilateral convention and that bilateral inspections should not be a part of such an agreement. Duncan felt that it was important to talk to our allies about this possibility. Aaron offered a compromise, stating that

he sensed there was some receptivity to this idea but that the first step was to talk to our allies. All agreed. The meeting ended at 10:37 a.m. (S)

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**97. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, December 14, 1978

SUBJECT

SCC Meeting on Chemical Weapons (C)

The SCC recently reviewed the U.S. chemical weapons posture. The Summary of Conclusions is at Tab A.<sup>2</sup> An issue concerning the future of the U.S. chemical weapons stockpile requires your decision. (S)

Defense argues that an improved U.S. retaliation capability is essential to the deterrence of chemical warfare and advocates the inclusion of a binary production facility in the FY 1980 Defense budget. (Binary implies that munitions are filled with two relatively harmless chemicals which when mixed after firing form the toxic agent. The advantage is improved safety in handling and storage.) Although an actual production decision would not be made for several years, the intent is to replace and increase the present U.S. stockpile with modern binary munitions. The cost in FY 1980 is only \$18 million; however, the ultimate cost of the program including production could approach \$2.0 billion. (S)

On the other hand, State, ACDA and OMB acknowledge the deterrent role of the U.S. stockpile but maintain that because of the political sensitivities associated with chemical warfare, it is not possible to achieve a much improved retaliatory posture. All agree that in order to improve the U.S. retaliatory capability additional munitions must be forward deployed to locations in Europe. Our allies remain very negative on this issue, based not only on safety which binary munitions resolve in part, but more importantly on even acknowledging that NATO is considering the prospect of chemical warfare in Europe. In addition, Congressional attitudes are quite hostile to the idea of chemical weap-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 100, SCC 170, Chemical Weapons, 12/1/78. Secret. Sent for action. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> Attached but not printed. See Document 96 for the minutes of the meeting.

ons production. Congress removed the binary facility from the budget each time it was proposed by the previous Administration. It would require an enormous Administration effort to defend a binary facility on the Hill, and even then, the outcome is uncertain. State, ACDA and OMB recommend that, for now, the binary facility should not be built, although this decision would be reviewed. As an alternative, they suggest that there might be certain low cost and politically feasible steps which could be taken to arrest the gradual deterioration of the current stockpile. On this point, Defense maintains that there is no way to improve the U.S. stockpile significantly without chemical weapons production, and if the Administration is considering new production, a binary facility is the best approach. (S)

I concur with State, ACDA and OMB that a binary facility should not be included in the FY 1980 budget. It would be a guaranteed no-win situation on the Hill. If attitudes in Congress and those of our allies change markedly or the negotiations with the Soviets take an adverse turn, the issue can be reopened. I agree with the Defense judgment that if the U.S. undertakes the production of new chemical munitions they should be binary. (S)

#### *RECOMMENDATION*

That you approve the exclusion of a binary facility from the FY 1980 budget. (S)

State, ACDA and OMB concur.<sup>3</sup>

That you approve the attached Summary of Conclusions.<sup>4</sup>

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<sup>3</sup> Carter checked "Approve" and wrote "J" in the right-hand margin.

<sup>4</sup> Carter checked "Approve."

## 98. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>

Washington, February 18, 1979, 1028Z

42041. Subject: US-USSR Chemical Weapons Negotiations, Round Nine: Guidance. Ref: (A) 78 Geneva 13849<sup>2</sup> (B) 78 Geneva 6492<sup>3</sup> (C) Geneva 2511<sup>4</sup> (D) State 20148.<sup>5</sup>

### State Message No. 2

1. This message provides general guidance for round nine. Detailed responses to the questions posed Ref A are being provided separately in the guidance package.<sup>6</sup> Highlights are outlined in para 5 below.

2. During round nine the Delegation should: (A) actively seek Soviet views in areas where the Soviets have not yet responded to US questions and proposals, (B) seek to clarify and resolve as many of the remaining issues as possible, and (C) seek to clarify and consolidate areas of agreement through drafting agreed language for a joint initiative.

3. In addressing remaining issues the Delegation should devote particular attention to trying to resolve the issues cited Ref B, which are listed below:

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790077-0233. Confidential; Priority. Sent for information to Moscow, London, Bonn, Paris, and US-NATO. Drafted by Robert Mikulak (ACDA/MA/AT); Robert Strand (ACDA/MA/IR), Roger Booth (ACDA/MA/AT), (Merle MacDonald (OSD), Harry Goodall (JCS), [name not declassified] (CIA/OSR), Les Denend (NSC), David Carlson (PM/DCA), Michael Matheson (L/PM), and [name not declassified] (CIA); and approved by Lawrence Finch (ACDA/MA).

<sup>2</sup> See Document 90.

<sup>3</sup> See footnote 3, Document 88.

<sup>4</sup> In telegram 2511, February 14, the Mission in Geneva informed the Department of State that after "canvassing allied and a few key non-aligned delegations" to the UN Committee on Disarmament, it had concluded that chemical weapons "is the most logical—if not the only—one suitable for active consideration" in the UN since chemical weapons "affected all countries having a chemical industry." (National Archives, RG 59, Central Foreign Policy File, D790070-1085)

<sup>5</sup> Telegram 20148 to the Mission in Geneva, January 25, included general instructions of the UN's Committee on Disarmament. Regarding chemical weapons, the Department told the Delegation that it expected "the US and USSR to be subjected to considerable pressure and criticism on the chemical weapons issue," in particular a proposal by "the nonaligned and some US allies to establish a CW negotiating work group." The Delegation, the Department said, "should continue to oppose the creation of such a group as premature before a US-USSR joint initiative has been formulated and presented." The joint initiative, the Delegation should stress, "will ban a complete spectrum of weapons which have been used in the past." (National Archives, RG 59, Central Foreign Policy File, D790038-0326)

<sup>6</sup> Not found.

(A) required international on-site inspection of destruction of stocks and disposition of facilities.

(B) Declaration of stocks and facilities.

—General declaration of stocks prior to entry into force of the convention.

—Declaration of facilities.

(C) Destruction of facilities.

(D) Rights and functions of inspection personnel and host state personnel during challenge on-site inspection.

4. We continue to believe it is important to resume drafting of agreed language in order to nail down general points on which the two sides appear to agree and to specify the more detailed points which are essential to make agreement on the general points meaningful and effective. For these purposes we believe that language which is more detailed than that discussed in round six is necessary. In drafting, the Delegation should be guided by the format and formulations contained in the position summary,<sup>7</sup> which is being provided separately, and in the set of “expanded key elements,” which will be provided when it is completed.

5. Key points in the guidance package:

(A) A summary of the US position is provided for transmission to the Soviet Delegation, as agreed at the end of round eight.

(B) With regard to declared facilities, the Delegation is authorized to explore the concept of conversion under appropriate safeguards. Modified tactics for presenting the US position regarding mandatory on-site inspection of facilities are outlined.

(C) Guidance is provided for responding to Soviet proposals regarding non-transfer and declaration of previous transfers, non-circumvention, the list of “important” precursors, and conditions for entry into force.

6. In our view the convention would completely preclude stockpiling of Chemical Weapons, regardless of any reservations to the Geneva protocol. The backstopping committee will study whether or not the US should propose a specific restriction on use in order to make this point completely clear. Depending on the conclusions of the study, further guidance may be provided.

7. Ref C reports Soviet view that question of a role for CD in CW should be taken up during US–USSR bilateral negotiations. The Delegation should seek to delay this discussion until guidance concerning CD Delegation suggestion of technical working group on toxicity

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<sup>7</sup> Not found.

measurement is received. The Delegation should continue to oppose the creation of CW negotiating working group as premature before a US-USSR joint initiative has been formulated and presented (Ref D). Should the Soviets propose a joint initiative to get the CD involved now in negotiating the text of a CW convention, the Delegation should oppose it. (Because a comprehensive CW prohibition is so complex, and its parts so closely interwoven, it would be extremely difficult, if not impossible, to negotiate individual key elements separately. The inter-relationship is apparent in the US position summary. We think it would facilitate consensus on a multilateral convention if a common approach were developed by the two states with the largest Chemical Weapons stocks before the CD takes up its work. The US-USSR joint statements to the CCD (CCD/PV. 788, 9 May 1978, and CCD/PV. 802, 22 August 1978<sup>8</sup> also refer to the complexity of CW issues.) The Delegation should not discuss such a Soviet suggestion in detail, but rather report and seek further guidance.

8. The Delegation should cable verbatim translation of the Soviet position summary as soon as it is available.

9. The Delegation should continue to brief allied representatives in Geneva during the course of the negotiations. In addition an offer should be made to hold consultations with the UK, FRG and France at the end of the round.

Vance

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<sup>8</sup> The first statement is available as "Joint Statement by the United States and the Soviet Union to the Conference of the Committee on Disarmament: Negotiations on a Chemical Weapons Ban," May 9, 1978 and the second statement is available as "Statement by the U.S. Representative (Fisher) to the Conference of the Committee on Disarmament: Chemical Weapons Ban," August 25, 1978, in *Documents on Disarmament*, 1978, pp. 284-285, 543-544.



**99. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, April 19, 1979, 1525Z

6663. Subject: (C) US–USSR Chemical Weapons Negotiations, Round nine: Sixth (Final) Plenary Meeting, April 12, 1979.

CW Message No. 19

1. (C—Entire text)

2. Summary: Sixth and final plenary meeting of round nine was held on April 12. Both sides presented assessments of round nine. In US view, despite some progress on defining limitations to be placed on super-toxic chemicals not related to chemical warfare, little or no progress took place in key areas; at same time, there seems to have been an unraveling of understanding regarding toxins and safe irritants. The US remains convinced that it would be a mistake to make entry into force of the proposed convention contingent upon adherence of any specific third state and that Soviet attempts to link such adherence to specific provisions now under negotiations served only to interfere with the bilateral negotiations. SovDel, for its part, also concluded that key questions remained unresolved, citing both “objective” and “subjective” difficulties. Among the latter the SovDel had not noticed any steps by the US in round nine to meet their position. Concerning the question of riot control agents, SovDel observed that CS had not been specifically discussed and therefore no agreement could have been reached between the two Delegations. Moreover, while subdivision of irritants into “safe” and “not safe” categories had been discussed, agreement had not been achieved. Soviet position on adherence by all permanent members of UN security council was restated. Following plenary, an informal meeting was held to discuss how to deal with CW issue in the CD (septel)<sup>2</sup> end summary.

3. The sixth and final plenary meeting of round nine was held April 12 at the Soviet mission. Amb Israelyan opened meeting with the suggestion that after a short exchange of views, the two sides should hold informal discussions on how to deal with problem of Chemical Weapons in CD. Amb Fisher agreed to this procedure (see septel) and then made statement presenting US assessment of round nine. He began with observation that frank exchange of views in drafting group had clarified respective positions on number of topics relating to decla-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790180–0536. Confidential; Priority. Also sent to Bonn, London, Moscow, and USNATO.

<sup>2</sup> Not found.

ration and destruction of accumulated stocks of Chemical Weapons and that progress had been made on defining limitations to be placed on super-toxic chemicals not related to chemical warfare. However, Amb Fisher stated, not much progress has been made in areas we consider absolutely essential and even on questions of scope, we appear to have witnessed an unraveling of understandings in area where we thought there was agreement, i.e. toxins and safe irritants. Moreover, the US remains concerned by continued Soviet rejection of US proposals to exchange of information on military activities related to protection against chemical warfare. Similarly the US continues to attach great importance to required international on-site inspection of both the destruction of Chemical Weapons stocks and the disposition of Chemical Weapon facilities. In this context, we view the declaration of individual facilities and their locations as absolutely essential to providing effective verification arrangements. No progress has been made on these crucial issues during this round. Ambassador Fisher ended his statement with a reiteration of US views that it would be a mistake to make entry into force contingent upon adherence by any specific third countries and that Soviet attempts to establish a linkage between adherence by specific states and various individual provisions of a future convention served only to interfere with the bilateral negotiations.

4. Amb Israelyan responded to Fisher's assessment by asserting that while question of subdividing irritants into safe and "not safe" categories and relevant criteria needed to accomplish this had been discussed, agreement had not yet been reached in this area. Moreover, CS was not specifically discussed and therefore no agreement on CS could have been reached. Israelyan then provided his own general assessment of round nine, beginning with the observation that the key problems have not disappeared. In explaining the comparatively slow progress he first referred to "objective" difficulties inherent in negotiations on such a complex subject as Chemical Weapons which, he added, "is inextricably linked to other activities of state." Turning to "substantive" difficulties, he noted that the USSR had taken a number of steps to bring the sides closer together, although we may differ on the significance of the steps. He had not noticed any similar steps by the US and hoped that the process of bringing the sides closer together would be a bilateral one in the next round. Nonetheless, he saw positive results in some areas such as composition of lists of super-toxic chemicals (on an illustrative basis). Finally, and most important, both sides confirm their intention to continue the negotiations and strive for further progress. Israelyan then departed from his prepared remarks to reiterate the Soviet position of participation of all permanent members of the security council, which he maintained is a question vital to the effectiveness of the convention and which is in the interests of all concerned, in particular the two negotiating states. He ended his remarks

with the observation that the position paper presented earlier by the US<sup>3</sup> contained new formulations which would be studied carefully.

**Sorenson**

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<sup>3</sup> Not found.

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**100. Memorandum From Secretary of Defense Brown to the  
President's Assistant for National Security Affairs  
(Brzezinski)<sup>1</sup>**

Washington, May 24, 1979

SUBJECT

U.S.-Soviet Chemical Weapons Negotiations

I enclose for your consideration and for transmittal to the President a copy of a March 14, 1979 memorandum from the Joint Chiefs of Staff concerning U.S.-Soviet chemical weapons negotiations.

The memorandum underscores the Joint Chiefs of Staff concern that the U.S. maintain effective means for monitoring compliance with any agreement which is reached in our negotiations with the Soviets to ban chemical weapons. The Chiefs also ask for SCC review, prior to this fall, of the decisions to maintain U.S. chemical warfare forces without force improvement, and not to seek funds for the binary munitions facility.

I support these views of the JCS.

**Harold Brown**

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 61, Chemical/Biological Weapons. Secret. Copy sent to the Chairman of the Joint Chiefs of Staff. In a June 30 memorandum to Brown, Brzezinski wrote that the "views of the Joint Chiefs of Staff" had "been noted and will be brought to the attention of the President. I suggest we examine this question in connection with the FY 1981 Budget review process." (Ibid.)

**Attachment****Memorandum From the Joint Chiefs of Staff to Secretary of Defense Brown<sup>2</sup>**

JCSM-57-29

Washington, March 14, 1979

**SUBJECT**

US Chemical Weapons Negotiating Position (U)

1. (S) Review of the US negotiating position summary developed by the Chemical Weapons Backstopping Committee indicates that an agreement fully incorporating all elements in this position would meet the objective of a chemical weapons prohibition set forth in Presidential Directive/NSC-15.<sup>3</sup> However, the Joint Chiefs of Staff believe that the current and projected asymmetries in chemical warfare capability favoring the USSR provide no incentives for the Soviets to agree to any meaningful prohibitions on chemical weapons.

2. (C) The Joint Chiefs of Staff note that the chemical weapons negotiations, in seeking to eliminate an entire means of warfare, constitute a disarmament—as opposed to an arms control—undertaking. Therefore, it is vital to national security that strong, effective provisions be made for monitoring compliance with any agreement resulting from such an undertaking.

3. (S) There are serious military risks inherent in this disarmament effort. [5 lines not declassified] These risks could be offset to some extent if all provisions of the US position summary were fully implemented.

4. (S) While the position summary includes the essential US element requiring onsite international access for adequate verification, the Soviets have indicated this approach to chemical weapons verification is unacceptable. In view of this real and critical difference and of the absence of any compelling reasons for the Soviets to resolve this difference, it will be important for the US Delegation to remain resolute in its negotiating effort. Further, it is essential that the Special Coordination Committee review again, prior to the fall of 1979, the decision to maintain US chemical warfare forces without force improvement and the decision not to seek funds for the binary munitions facility.

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<sup>2</sup> Secret. A copy was sent to U.S. Commander in Chief, Europe.

<sup>3</sup> See Document 70.

5. (U) The Joint Chiefs of Staff request that you support their views and that you also convey these views to the President.

For the Joint Chiefs of Staff:

**James E. Dalton**  
*Major General, USAF*  
*Vice Director, Joint Staff*

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## 101. Memorandum of Conversation<sup>1</sup>

Vienna, June 17, 1979, 11:00 a.m.–1:00 p.m.

### SUBJECT

Third Plenary Meeting between President Carter and President Brezhnev  
Topics: SALT III and other arms control issues

### PARTICIPANTS

#### *U.S.*

The President  
Secretary of State Cyrus R. Vance  
Secretary of Defense Harold Brown  
Dr. Zbigniew Brzezinski  
General David Jones  
Mr. Hamilton Jordan  
General G. Seignious  
Ambassador Malcolm Toon  
Mr. Joseph Powell  
Mr. David Aaron  
Mr. Wm. D. Krimer, Interpreter

#### *U.S.S.R.*

President L.I. Brezhnev  
Foreign Minister A.A. Gromyko  
Marshal D.F. Ustinov  
Mr. K.U. Chernenko  
Deputy Foreign Minister G.M. Korniyenko  
Marshal N.V. Ogarkov  
Ambassador A.F. Dobrynin  
Mr. A.M. Aleksandrov-Agentov

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Vance Exdis Memcons 1979. Secret; Nodis. Drafted by Krimer on June 20; and approved by Aaron. The meeting took place at the Soviet Embassy. The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 203.

Mr. L.M. Zamyatin  
Mr. V.G. Komplektov  
Mr. A.M. Vavilov  
Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to chemical weapons.]

Turning to chemical weapons and the possibility of reaching agreement to prohibit such weapons, Gromyko noted that the negotiations on this question are proceeding badly and in an unsatisfactory way. It would evidently be difficult to go into detail at this meeting, but he wanted to make two points in this connection. First, we had major differences between our views on questions relating to verification in this connection and, secondly, for an agreement on chemical weapons to be effective, it was important that all major powers, and certainly the permanent members of the U.N. Security Council, join in such an agreement. What kind of an agreement would that be without the participation of China? Could one really agree to a situation in which the Chinese alone would have a free hand to manufacture chemical weapons? These were the major points to which he wanted to draw the President's attention.<sup>2</sup>

[Omitted here is discussion unrelated to chemical weapons.]

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<sup>2</sup> Carter did not address the issue of chemical weapons after Gromyko's comments and in his final two meetings with the Soviets. However, in the joint communiqué issued after the Summit, the "two sides reaffirmed the importance of a general, complete and verifiable prohibition of chemical weapons and agreed to intensify their efforts to prepare an agreed joint proposal to the Committee on Disarmament." (*Documents on Disarmament*, 1979, pp. 225–229)

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## 102. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>

Geneva, September 3, 1979, 0955Z

14555. Subject: US–USSR Chemical Weapons (CW) Negotiations, Round Ten: Ninth (Final) Plenary Meeting, August 31, 1979.

CW Message No. 19

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790401–1186. Confidential; Priority. Sent for information to Moscow. The tenth round of negotiations began on July 16. (Telegram 12183 from the Mission in Geneva, July 18; National Archives, RG 59, Central Foreign Policy File, D790327–0968)

1. (Confidential—Entire text)

2. Summary: At ninth (final) plenary meeting, held August 31, both Delegations gave wrap-up statements. US Del head Fisher outlined accomplishments of round, drew attention to issues involved in drafting work and proposed both sides consider increasing resources devoted to bilaterals. Soviet Delhead reviewed accomplishments and made plea for common US-USSR approach to the work of the Committee on Disarmament in the chemical weapons field. Discussion of verification issues begun at previous meeting was continued. End Summary.

3. Ninth (final) plenary meeting was held Friday, August 31, 1979. Prepared statements were presented by both sides.

4. Statements by US Del head (Amb. A.J. Fisher) contained overview of the round.

A. Accomplishments: Fisher said that, overall, the US Delegation believed that round ten had been successful. He noted that in latter stages of the round the negotiations had intensified. In Fisher's view the most important accomplishments were the initiation of active discussions of verification issues and initiation of efforts to draft language for a joint initiative. He noted, on the other hand, that the major unresolved issues remained the same.

B. Drafting group issues. Fisher pointed out that, in order to permit the drafting group to complete its work on the first three elements of a joint initiative issues in the following areas needed to be resolved:

- Use of munitions for permitted purposes
- Treatment of irritants and herbicides
- Coverage of toxins
- Transfer of super-toxic chemicals to non-states parties
- Scope of the term "precursor"

C. Neglected issues. Fisher expressed disappointment that it had not been possible to give priority attention to resolving the issues of declaration of stocks and procedures for challenge inspection. He pointed out that in the latter case the US had not received a response to proposals made well over a year ago.

D. Committee on Disarmament. With respect to the Committee on Disarmament (CD), Fisher said US was studying the Soviet August 15 suggestion that the two sides try to develop a common approach toward possible CD work on the outline of a CW convention, (as proposed by the Poles). The US hopes to respond well before the next round begins.

E. Delegation staffing. Fisher pointed out the difficulties experienced in trying to have the same Delegation members cover both the CD and the CW bilaterals. He proposed that, for next year, both sides

consider assigning a senior political officer and several advisers solely to chemical weapons-related work.

5. Soviet Del head (Amb. V.L. Israelyan) also presented a wrap-up statement.

A. Overall assessment. Israelyan asserted that there had not been a single major issue where the Soviet Del did not present new views and proposals which took US views into account. He said that while the major issues remained there had been an active and useful exchange on verification.

B. Drafting group. Israelyan noted the promising beginning of efforts to draft language for a joint initiative. He said that in this connection the exchange of position summaries during the last round had been most useful.<sup>2</sup> Enough time and attention should be devoted to drafting in the next round. The drafting group should also give attention to clarifying positions and narrowing areas of disagreement.

C. Committee on Disarmament (CD) both Delegations received verbal pat on the back from Israelyan for presenting the detailed joint progress report to the CD in July. Israelyan expressed concern, however, about US-Soviet difference on how to deal with CW related work of the CD. In his view, first priority should be given to the success of the bilateral negotiations. For this reason an effort should be made to coordinate positions concerning possible CD work on the outline of a CW convention.

6. As at the previous plenary meeting, verification issues were discussed extemporaneously.

A. Fisher responded to Soviet question from previous meeting about US suggestions for using verification procedures taken from the IAEA safeguards system, the Bilateral Treaty on Peaceful Nuclear Explosions (PNET), and the Comprehensive Test Ban (CTB) negotiations. He said that each treaty requires specially tailored verification provisions. However, all three cases mentioned by Soviets had a common element; on-site inspections had been agreed on in advance and provided for in the convention. While the balance between challenge inspection and systematic inspection for a CW convention had to be tailored to its special situation, the other three cases could provide a guide.

B. Israelyan agreed that every treaty required verification provisions suited to the particular nature of the agreement; there can be no general approach. He said that Soviet side is seeking the most effective system for verification of chemical weapons prohibition. In the Soviet

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<sup>2</sup> The U.S. and Soviet position summaries are in Telegram 12183 from the Mission in Geneva, July 18; *ibid*.



view, lack of effectiveness is just as important an objection to the US approach as the risk the US approach poses to commercial and national security interests. Israelyan said visits to declared locations, as proposed by the US, might only create an illusion of compliance. USSR believes that a combination of national declarations and challenge inspection would provide the most effective verification system

7. Deputies made brief report on progress in the drafting group. Focus was on substantive issues which need to be resolved in order to complete the first three elements (basic prohibition, definitions, non-transfer/non-assistance). More terms may have to be included in “definitions” element as work on additional elements is undertaken.

Sorenson

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**103. Memorandum From Secretary of Defense Brown to the President’s Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, October 4, 1979

SUBJECT

Binary Chemical Munitions Facility

My memorandum of May 24, 1979<sup>2</sup> pointed out the concern felt by the Chairman of the Joint Chiefs of Staff and myself regarding the need to maintain effective means of monitoring compliance with any agreement which is reached with the Soviets to ban chemical weapons. It also requested review of the 1978 decision to defer funding for the binary munitions facility. Your response suggested we examine this decision in connection with the FY 1981 budget review process.

We have been participating in the bilateral negotiations with the Soviets since 1976 and see little or no movement on their part to resolve critical differences. In view of the continuing degradation of our deterrent stockpile and the serious asymmetry of capabilities in this area, I directed that the binary chemical munitions facility be included in the Department of the Army basic budget submission in the amount of \$19

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 61, Chemical/Biological Weapons. Secret.

<sup>2</sup> See Document 100.

million. I believe this action will provide the Soviets a clear indication of our dissatisfaction with the negotiations, and will signal the increasing difficulty of exercising restraint in our own chemical warfare capabilities while negotiations toward a comprehensive ban continue without progress.

Please inform the other concerned agencies of this action and solicit their views. If any agency forwards a nonconcurrence, then the SCC should resolve the issue in time to insure a decision prior to forwarding the FY 1981 budget to the President.

**Harold Brown**

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#### **104. Summary of Conclusions of a Mini-Special Coordination Committee Meeting<sup>1</sup>**

Washington, January 24, 1980, 3:30–5:00 p.m.

##### **SUBJECT**

Committee on Disarmament Involvement in CW Negotiations (C)

##### **PARTICIPANTS**

###### *State*

Jerome Kahan (Dep. Director—Bureau of Politico-Military Affairs)

Stephen Steiner (Dep. Director—Office of Disarmament & Arms Control)

###### *OSD*

Dr. Lynn Davis (Dept. Asst. Sec. for Policy Plans & NSC Affairs)

Ms. Shelia Buckley (Director, Negotiating Policy)

###### *JCS*

General John Pustay (Asst. to the Chairman)

###### *DCI*

Ray McCrory (Chief, SALT Staff)

[*name not declassified*] (Office of Scientific Intelligence)

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Box 81, Chemical and Biological Warfare, 1–6/80. Confidential. The meeting took place in the White House Situation Room.

*ACDA*

Spurgeon Keeny (Acting Director)

Alan Neidle (Dep. Asst. Director for Multi-Lateral Affairs)

Charles Floweree (Chief, Intelligence Relations Division)

*OSTP*

John Marcum (Senior Policy Analyst)

*White House*

David Aaron

*NSC*

General Jasper Welch

Jerry Oplinger

Marshall Bremant

Jim Rentschler

The mini-SCC met to review whether the U.S. should now agree to the formation of a CD Working Group to begin discussion of CW issues. (C)

Keeny reviewed the current situation. In the bilateral negotiation, progress has been very slow because of Soviet intransigence on basic issues, above all verification questions. Our substantive position is clearly defined and we want a treaty on our terms, but the prospects are not now encouraging. Pressures have mounted for multilateral involvement; our allies and others strongly desire it and the Soviets support it. Our isolation on this question is politically costly and not helping to achieve our objective. ACDA believes we should agree to the formation of a CD Working Group with a one-year mandate to compile a list of topics to be covered by a treaty.<sup>2</sup> This will put pressure on the Soviets on substantive questions. (C)

David Aaron asked what other matters are on the CD agenda this year. Floweree said they will be considering: 1) RW, 2) CW, 3) negative security assurances, and 4) comprehensive program for disarmament. (U)

Kahan reviewed the foreign policy considerations involved. The Soviets are stonewalling in the bilateral negotiation and exploiting our isolation on the CD question, making it appear that the U.S. is the intransigent party. The Soviets are vulnerable on their positions, and also on their reported use of chemical weapons in Southeast Asia and

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<sup>2</sup> ACDA's position is laid out in a memorandum from Davies to Brzezinski, January 22; *Ibid.*

Afghanistan.<sup>3</sup> Thus, CD involvement can help to bring pressure on them in the bilateral. The allies have consistently indicated their strong desire for CD involvement, both before and since the Afghanistan invasion.<sup>4</sup> They want serious verification provisions and will strongly support us. France has just entered the CD arena; French views and interests on this subject are similar to our own. By accommodating these allied pressures, we will gain political credit and improve our position vis-a-vis the Soviets. The nonaligned do not understand many of the issues, and this provides an opportunity to educate them and expose the weakness of the Soviet position; the majority is likely to support us. The PRC will take its seat for the first time this year, and has expressed an interest in CW; this provides an opportunity to work with them on an arms control issue. If we maintain our present position, the PRC will be frustrated and complain of superpower dominance. (C)

General Pustay said that the JCS views the problem in a military context; the Soviets are well ahead in CW capabilities and we can neither deter or respond in kind. Only the bilateral forum can provide a negotiated solution. If we yield now to pressures for multilateral involvement, we will create expectations for a treaty which may well be translated into later pressures for relaxation of our substantive position. It is better to take minimum losses now than larger losses later. The Joint Chiefs also believe that the U.S. should review our entire position on CW in light of the lack of progress, and reconsider the question of CW modernization. (C)

Davis said that the Secretary of Defense supports the Joint Chiefs on modernization and on the need to proceed with a binary facility. But OSD does not believe that the tactical question of CD involvement is linked to these issues, and need not prejudice them. (C)

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<sup>3</sup> Reports that the Soviet Union's ally Vietnam had employed chemical weapons against tribes in Laos and Cambodia had been publicized by the ACDA and the CIA on December 12, 1979. On December 20, the U.S. House of Representatives passed a Resolution condemning such actions. ("Statement by the ACDA Assistant Director for Multilateral Affairs (Davies) Before a Subcommittee of the House Committee on Foreign Affairs: Use of Chemical Weapons in Indochina, December 12, 1979," "Central Intelligence Agency Paper: Chemical Warfare in Laos, December 12, 1979," and "House Resolution 512: Use of Chemical Agents in Indochina, December 20, 1979," in *Documents on Disarmament*, 1979, pp. 810–814, 820–821) Regarding the use of chemical weapons in Afghanistan by Soviet forces, telegram 20775 to Conakry and other posts, January 24, contains the text of Department of State Press Secretary Hodding Carter III's statement concerning "unconfirmed" press reports that the Soviets had used chemical weapons in Afghanistan. He linked these reports to previous allegations about the use of chemical weapons by Laos and Vietnam. Carter said that if the reports were true, "such action would be an outrageous and inhuman act against defenseless peoples" and made the conclusion of a chemical weapons convention more "urgent." (National Archives, RG 59, Central Foreign Policy File, D800042–0556)

<sup>4</sup> The Soviet Union invaded Afghanistan on December 24, 1979. Documentation is scheduled for publication in *Foreign Relations, 1977–1980*, vol. XII, Afghanistan.

Aaron suggested that we take advantage of the upcoming consultations with allied and other western countries to build a strong consensus as a basis for US agreement to CD involvement. We would make clear that we have not yet decided, but are considering a shift in our past position *if* satisfactory assurances are received that we will have strong support to avoid expansion of the CD's role or erosion of our position on verification. To reduce the problem of raising false expectations, we will emphasize that we would take this step because of the lack of progress in the bilateral, and need to be sure that it will strengthen, not weaken, prospects for a satisfactory bilateral outcome. We would then take a final decision before the opening of the CD session on February 6, in the light of responses to this approach. (C)

There was general consensus with this approach, except for the JCS representative who said that he was unable to concur. (C)

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**105. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, January 25, 1980

SUBJECT

Chemical Weapons (U)

A Mini-SCC chaired by David Aaron<sup>2</sup> has discussed whether the US should change its negotiating tactics to allow the Committee on Disarmament (CD) to begin limited multilateral discussion of a CW treaty. State, ACDA, and OSD favor such a shift on the grounds that it will end our present and costly isolation on the question and will be helpful to our position in the US-Soviet bilateral negotiation. The JCS strongly opposes the shift; they believe it will increase expectations for a treaty and eventually create pressures for relaxation of our substantive positions. It was decided that in upcoming consultations with key allies and other western nations, we will indicate that we are considering a shift *if* we can be assured of strong support to keep the CD's mandate narrowly limited, and in protecting our substantive position. A final decision will

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Box 81, Chemical and Warfare, 1–6/80. Secret. Sent for information. Carter initialed the top of the memorandum.

<sup>2</sup> See Document 104.

be made in light of responses received. The JCS representative noted that he could not concur in this approach. (S)

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#### 106. Telegram From the Department of State to the Embassy in France<sup>1</sup>

Washington, January 26, 1980, 0059Z

21764. Subject: Allied Consultations on Chemical Weapons (CW) Negotiations. Ref: A. State 002066,<sup>2</sup> B. State 020775.<sup>3</sup>

1. (C—Entire text).

2. This message provides guidance for the US Delegation participating in bilateral (US-France) and quadrilateral (US-UK-FRG-France) CW consultations in Paris on January 28 and consultations with the Japanese CD Delegation in Geneva. Guidance on the subject of a CD working group on CW will be provided septel.<sup>4</sup>

3. US-French consultations.

A. The purpose of the bilateral consultations is to discuss the reported use of Chemical Weapons in Laos, and Kampuchea and to consider possibilities for diplomatic action (see Ref A). We would also at that time discuss our concerns relating to Afghanistan.

B. The Delegation should brief the French on the reported use of Chemical Weapons in Laos, Kampuchea, and Afghanistan, drawing on intelligence data provided separately, USG statements issued on the

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800044-0544. Confidential; Immediate. Drafted by Robert Mikulak (ACDA/MA/AT); and approved by Flowerree (ACDA/MA), Oplinger (NSC), Ronald Lorton (NEA/PAB), (Merle MacDonald (OSD), Steven Steiner (PM/DCA), Edmund McWilliams (EA/VLC), M. Christine Vick (EUR/RPM), and Manuel Sanches (JCS). Sent for information to London, Bonn, USUN, USNATO, the Mission in Geneva, Moscow, and Vientiane.

<sup>2</sup> Telegram 002066 from the Department of State, January 4, described the discussion that had occurred in December in Washington between PM Deputy Director Kahan and the French Ambassador to the CD, De la Gorce, about the reported use of chemical weapons in Southeast Asia. (National Archives, RG 59, Central Foreign Policy File, D800008-0872.

<sup>3</sup> See footnote 3, Document 104.

<sup>4</sup> Not found.

subject and the background package on Southeast Asia (contained A-0020)<sup>5</sup>

C. The overall message of the briefing with regard to Southeast Asia should be that:

(1) While we do not have absolute proof, the results of USG investigations support the conclusion that some chemical agent or combination of agents has been used in Laos as part of the Lao Government's effort to bring the H'mong Hill tribes under its control;

(2) There is also limited evidence that it has been used in Kampuchea; and

(3) The US is very concerned by the reports and believes concerted international diplomatic action could contribute to a resolution of the problem.

D. The Delegation should also seek to draw the French out on relevant intelligence and other information available to them on use of CW in Southeast Asia.

E. Possibilities for further diplomatic action which should be discussed include:

—Démarches by France, UK, FRG, and possibly other interested countries, similar to those already made by the US to the governments of Laos, Vietnam, and the Soviet Union regarding use of CW in Southeast Asia;

—Efforts to have an investigation by an impartial international body (e.g., the International Committee of the Red Cross);

—Expressions of concern and any appropriate action in international political bodies (e.g., the UNGA, Security Council, Committee on Disarmament); and

—In conjunction with requests from concerned states, possible action by French as 1925 Geneva protocol depositary to convene a meeting of protocol parties to consider the issue.

F. For briefing on Afghanistan, Delegation should draw on Ref B.

4. Quadrilateral consultations.

The Delegation should consult with the allies on:

A. The US-USSR bilateral negotiations on a CW ban (guidance para 5);

B. The role of the Committee on Disarmament (CD) on the CW issue; and

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<sup>5</sup> Not found.

C. The reported use of Chemical Weapons in Laos, Kampuchea and Afghanistan, including possibilities for further diplomatic action (guidance para 7).

5. Bilateral Negotiations.

A. The Delegation should begin by giving our reasons for having rescheduled the start of CW round eleven.<sup>6</sup>

B. The Delegation should review at an appropriate level of detail the state-of play in the bilateral negotiations, drawing on the wrap-up cable from round ten (79 Geneva 14533).<sup>7</sup>

C. During round eleven the US will:

(1) Continue to give priority attention to major unresolved issues, particularly verification; and

(2) Continue drafting in order to nail down points thought to be agreed.

D. In view of past allied interest in these topics, the Delegation should indicate to the allies that the round eleven guidance authorizes the Delegation:

—To discuss possible mutually agreed procedures for mothballing declared facilities. Our objective is to facilitate verification by eventually specifying which actions can and cannot be taken.

—To be prepared to agree to a scaled-down version of the Soviet proposal on declaration of past transfers. We will attempt to trade US agreement on this proposal for Soviet willingness to accommodate the US proposal for exchange of information on CW protective activities.

—To explore, in the event the current US effort to keep safe riot control agents and herbicides out of the convention entirely is rejected, the possibility of adopting legally binding constraints consistent with our policy on permitted uses in return for more explicit recognition of those permitted uses.

E. The US Delegation will continue to brief allied representatives in Geneva during the course of the negotiations. In addition, we would be willing to hold consultations with the UK, FRG and France at the end of the round.

6. The role of the CD on the CW issue. Guidance on the question of a working group will be provided septel. In connection with the discussion of the working group proposal, Delegation might also explore briefly allied views on the Australian proposal to hold small informal technical seminars on CW to acquaint working level members of inter-

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<sup>6</sup> Telegram 4614 from the Department of State, undated, asked for the postponement of the talks until February 6. (Telegram 14321 to Moscow, January 19, 1980; National Archives, RG 59, Central Foreign Policy File, D800032-0105)

<sup>7</sup> Not found.



ested Delegation with some of the technical complexities of the issue. Delegation may tell the allies that, as we understand the proposal, such seminars would serve as a technical foundation for any future CD efforts on CW. (One possibility for a US presentation might be a briefing on destruction of stocks). Del may indicate US willingness to participate in such seminars and encourage our allies to do so as well.

7. Laos, Kampuchea and Afghanistan.

The Delegation should briefly review the situation for the allies and seek their views on further diplomatic action. In this discussion US reps may draw on the guidance (para 3 above) for the US-French consultations and on the results of those consultations.

8. US-Japanese consultations.

In line with past practice, US reps should seek an early opportunity to meet in Geneva with Japanese CD Delegation. At the meeting US reps may draw upon guidance for Paris consultations (paras 3–6 above).

**Christopher**

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**107. Telegram From Embassy in France to the Department of State<sup>1</sup>**

Paris, January 29, 1980, 1645Z

3210. Subj: (C) Allied Consultations on Chemical Weapons (CW) Issues: US-Soviet Negotiations. Ref: A) State 21764<sup>2</sup> B) 79 Geneva 14533.<sup>3</sup>

1. C—Entire text.

2. Summary: In quadrilateral CW consultations, US reps briefed allies on bilateral US-Soviet CW negotiations. Allies raised a number of detailed questions. Discussion centered around verification of a CW prohibition. End summary.

3. Quadrilateral (US-UK-FRG-France) consultations on Chemical Weapons (CW) issues were held in Paris on January 28, 1980. This tele-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800051–0597. Confidential; Priority. Sent for information to Bonn, London, the Mission in Geneva, US-NATO, USUN, and Moscow.

<sup>2</sup> See Document 106.

<sup>3</sup> Not found.

gram contains report of US reps on discussion of the US-USSR CW negotiations. Septels report discussions of a CW working group in the committee on disarmament (CD) and of the reported use of CW in Laos,<sup>4</sup> Kampuchea and Afghanistan.

#### 4. US-USSR Chemical Weapons negotiations.

A. Akalovsky (US Del head) began by stating US desire to continue CW arms control negotiations and explaining reason for postponement of consultations. He said that in the course of reviewing the US relationship with the Soviets and deciding on appropriate actions to take in response to their invasion of Afghanistan, USG concluded that CW arms control should continue to be pursued. This decision was taken both because of the important international dimension associated with CW and because it is clearly in US security interests to pursue a comprehensive CW prohibition. We were sensitive, nonetheless, to the impression which could be created by resuming a security-related bilateral negotiation within days of announcing a series of retaliatory steps against the Soviets.<sup>5</sup> Therefore, we proposed to the Soviets that the start of the next round of the bilaterals be rescheduled to correspond with the opening of the CD. The Soviets agreed to resume the talks February 11. US view, in light of the as yet unconfirmed reports that CW is being used in Afghanistan and the evidence that it has been used recently in Southeast Asia, is that it is now all the more urgent and important to continue to press on CW arms control and conclude agreement on a comprehensive and verifiable CW prohibition. In any event, US needed this extra time in order to prepare better for these consultations as there are other important CW-related matters which we felt should be discussed, including Southeast Asia-Afghanistan and the question of how to handle CW in the CD.

B. Drawing fully on wrap-up telegram from round ten (Ref B) Akalovsky outlined noteworthy aspects of most recent round of bilateral negotiations and summarized positive and negative aspects of the round. As instructed Ref A, he informed allies that in next round US Del will continue to give priority attention to major unresolved issues, particularly verification. Del will also seek to continue drafting to nail down points thought to be agreed. Akalovsky informed allies of key points in Del's guidance, as given Ref A, para 5C.

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<sup>4</sup> Telegram 3199 from the Embassy in Paris, January 29, reported the discussions on the use of chemical weapons. (National Archives, RG 59, Central Foreign Policy File, D800073-1105) The telegram discussing a chemical weapons working group in the CD was not found.

<sup>5</sup> Reference is to the debates within the Carter administration and NATO about whether or not to retaliate against the Soviet Union after it invaded Afghanistan. For more on this subject, see *Foreign Relations, 1977-1980*, vol. XII, Afghanistan.

C. Kunz (FRG Del head) recalled strong German support for mandatory on-site inspection of civil as well as military chemical industries and asked for clarification of US views. He noted that effort to press Soviets on this issue could have tactical value but stressed that the FRG did not want to embarrass the US by having a stronger position on this particular question. The FRG would be prepared to drop its insistence on such inspection if the US wished. Akalovsky responded that while the US did not favor this form of inspection in a CW convention, it would be useful for the FRG to maintain its position for the time being to put as much pressure as possible on the Soviet verification position. Reeve, UK Del head, added that it was difficult to see how the treaty could operate without mandatory inspection of civil industry.

D. Kunz asked whether US expected momentum from end of round ten to be maintained in next round. Citing press reports to this effect, he asked whether the US planned to enhance its CW capabilities in order to put more negotiating pressure on the Soviets. Akalovsky said that while the end of round ten was active in comparison with the almost total inaction at the beginning of the round, this development should not be overemphasized. He noted that no funds for binary Chemical Weapons have been included in the new defense budget. The issue will be reviewed late this year. Progress in the bilateral negotiations will be one of the factors considered. Akalovsky added that there is growing concern in the USG that Soviets are stonewalling on verification in the knowledge that the US offensive CW capability continues to deteriorate.

E. Reeve (UK) asked a series of questions on relatively technical aspects of the US negotiating position in the bilaterals. In response to UK inquiry as to whether special verification provisions were necessary for binary Chemical Weapons, Akalovsky said that US believed that binaries were adequately dealt with by generally applicable verification provisions. He answered UK question on possibility of a separate verification agreement with limited participation (as in CTB) saying US did not envision such an arrangement.

F. Responding to UK question about need to allow ten years for destruction of stocks, Akalovsky said this period had already been agreed. Sanches (US) said US analyses showed ten years to be necessary. When Reeve inquired how many third world countries possessed CW stocks, Akalovsky responded saying he did not have this information immediately available, but that it might be possible to exchange such data through other channels.

G. Reeve asked whether US believed CW treaty could be adequately verified by combination of national technical means and on-site inspection. Akalovsky noted that no agreement can be foolproof, but

that if all elements of the US verification position were accepted, adequate confidence would exist.

H. French also raised a series of detailed questions d'Aboville (French Del head) asked rhetorically if it might not be possible to have separate verification agreements for those parties which possessed CW stocks and those which did not. He also noted that Soviet position on verification contains internal contradictions which could be exploited by allies. In response to question about verification provisions for non-transfer, Akalovsky (US) said that no specific provisions had been proposed and that suspected transfers could be investigated using the challenge inspection provisions.

5. Akalovsky (US) said US would continue to brief allies in Geneva and offered to have quadrilateral consultations at the end of next round of US-Soviet negotiations, if that were generally desired.

6. Following completion of quadrilateral consultations, Mikulak and Sanches met with French experts, at their request, to clarify points of uncertainty identified in French comparison of US and Soviet positions.

[Omitted here is the list of participants.]

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## 108. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>

Washington, February 13, 1980, 1422Z

39607. Subject: US-USSR Chemical Weapons Negotiations, Round Eleven: Guidance. Ref: 79 Geneva 14553.<sup>2</sup> State CW Message No. 2.

1. (C—Entire text)

2. This message provides general guidance for round eleven. Detailed responses to the questions posed Reftel are being provided separately in the guidance package.<sup>3</sup> Highlights are outlined below.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800077-0811. Confidential; Immediate. Drafted by Robert Mikulak (ACDA/MA/AT); cleared by Flowerree (ACDA/MA), David Carlson (PM/DCA), Oplinger (NSC), Merle MacDonald (OSD), Harry Wilson (JCS), and [name not declassified]; and approved by Thomas Davies (ACDA/MA). Sent for information to Moscow, USNATO, London, Bonn, and Paris.

<sup>2</sup> Not found.

<sup>3</sup> Not found.

3. At the opening of the round the Delegation should say that the US is deeply disturbed by reports that Chemical Weapons have been used in Laos, Kampuchea, and Afghanistan. These reports make it all the more important to negotiate a complete, effective and verifiable prohibition of chemical weapons. The bilateral negotiations can be instrumental in achievement of that goal. Delegation should state (A) US expects all states to observe the principles and objectives of the Geneva protocol and (B) US hopes that USSR will join with US in reaffirming publicly support for the protocol.

4. During round eleven the Delegation's strategy should be to:

A. Emphasize the US expectation that the pace undertaken in the latter half of round ten will be continued and perhaps accelerated;

B. Continue to give priority attention to major unresolved issues, particularly verification-related issues (including declarations); and

C. Continue drafting in order to reaffirm and define precisely points thought to be agreed. (The Delegation should continue to be guided by the format and substance contained in the position summary provided to the Soviets during round nine.)

5. Key points in the guidance package:

A. Discussion points have been provided on the possibility of attaining mutually agreed procedures for mothballing declared facilities. Our objective is to facilitate verification by eventually specifying which actions can and cannot be taken.

B. Guidance is provided for responding to Soviet round ten statements on verification and on declarations.

C. The Delegation is authorized to agree to a scaled-down version of the Soviet proposal on declaration of past transfers. If possible US agreement on this proposal should be traded for Soviet willingness to accommodate the US proposal for exchange of information on CW protective activities (round 5 guidance).

D. Further guidance on safe riot control chemicals and herbicides is included in the package.

6. The Delegation should continue to brief allied representatives in Geneva during the course of the negotiations. In addition an offer should be made to hold quadrilateral consultations with the US, FRG and France at the end of the round.

**Vance**

**109. Memorandum From the Director of the Arms Control and Disarmament Agency (Earle) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, March 5, 1980

SUBJECT

Possible Soviet Biological Weapons Activities

There is a growing body of evidence—[*less than 1 line not declassified*]<sup>2</sup>—pointing toward the occurrence of a serious accident in April 1979 at a facility in Sverdlovsk which has long been suspected of being involved in biological warfare (BW) activities.

One interpretation of the accident is that a large amount of dry BW agent was released into the air as a result of an explosion at the facility. The presence of a large amount of BW agent would raise a question regarding Soviet compliance with the BW Convention's prohibition on production and stockpiling of BW agent.

Given the potential seriousness of this situation, and the fact that the BW Convention Review Conference is underway in Geneva,<sup>2</sup> I believe we should review this matter on an urgent basis. The first step would be the preparation as quickly as possible of a thorough all-source intelligence assessment of the incident. We have asked CIA to expedite publication of such an assessment, and I understand that a coordinated report should be available in the next few days.

Depending on the intelligence assessment, we should consider whether it would be appropriate to bring this matter up with the Soviets—and whether to do so before the Review Conference concludes around March 21st. In this connection, I note that Article V of the Treaty provides for direct consultations between Parties, while Article VI provides for a formal process for complaints being lodged with the UN after a Party "finds" that any other Party is in violation. We may also have to decide what position to take on past compliance in the final document of the Review Conference.

**Ralph Earle II<sup>3</sup>**

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 110, SCC 288, USSR CBW Convention, 3/14/80. Secret.

<sup>2</sup> The Biological Weapons Convention met in Geneva from March 3 to March 21.

<sup>3</sup> Earle signed the memorandum "Ralph." Under his signature, he wrote "I have discussed the substance of this memo with Cy, who agrees and suggests that we have an SCC meeting as soon as possible after receipt of the intelligence assessment. RWE."

**110. Memorandum From the Executive Secretary of the  
Department of State (Tarnoff) to the President's Assistant for  
National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, March 7, 1980

SUBJECT

Reported Use of Chemical Weapons

As you know, we are continuing to receive and analyze reports of the use of lethal chemical weapons (CW) by the Soviets and some of their friends in Afghanistan, Laos, and Kampuchea. Press and Congressional attention is intensifying.

*Efforts to Date*

We have taken a substantial number of steps to assemble pertinent data and make our concerns known. Our country officers conducted the first systematic interviews of Hmong refugees and took the initial steps on the diplomatic front to raise the level of consciousness regarding reported use of gas in Laos and Kampuchea. Working with Defense, we organized a very professional investigation by a medical team sent to refugee camps in Thailand. We have made *démarches* to the parties concerned with regard to use in Indochina and have had our Delegations express concern over the reports in general in the Human Rights Commission (HRC), the Committee on Disarmament (CD), and the US/Soviet negotiations on CW.

*Strategy for the Future*

We have thought through a broad internationally-oriented strategy that builds on the actions already taken—a strategy intended to mobilize our allies and other concerned states behind the effort to resolve the CW use issue. We particularly need an investigation into the reports by some impartial third party or international group. However, for this approach to succeed we must be careful so that we can avoid being perceived as attempting to engage others in the growing East/West rivalry.

The strategy consists of seven interrelated parts, setting out a number of actions to involve other states and appropriate international fora more actively in the issue. Specifically:

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 110, SCC 288, USSR CBW Convention, 3/14/80. Secret. Copies were sent to the ACDA, JCS, OSD, and the CIA.

—*Intensified collection efforts* to further substantiate the reports, particularly but not exclusively focused on Afghanistan—[*less than 1 line not declassified*] Working with [less than 1 line not declassified] other countries, we will press for acquisition of physical data (e.g., gas residue, empty canisters or dud rounds, blood samples from victims). We are examining the feasibility of sending a US medical team to Pakistan to interview Afghan refugees who may have first-hand knowledge of CW use.

—*Consulting with Allies and other interested countries*, stressing US concern over the reports; providing briefings; and seeking support for our strategy.

—*Stimulating multilateral action*, most importantly an investigation into this matter by a disinterested third party or an apolitical international organization. In the HRC and appropriate committees of the UNGA we will request that an observer team investigate the reports and/or that the SYG appoint an *ad hoc* Experts Group to study the issue. As this is unlikely to work, we are also considering other international bodies and approaches.

—*Consulting further with the French* on their idea of convening a meeting of the States Parties to the 1925 Geneva Protocol to look into the reports.

—*Making appropriate démarches* to the countries involved whenever the intelligence justifies an approach.

—*Public expressions of concern*, continuing to say that if the apparently credible reports are true, we would regard such use as outrageous and inhumane.

—*Keeping Congress well informed*. And thorough documentation of our actions, as a report on this issue is owed the House Foreign Affairs Committee in four months.

We will continue to pursue this strategy vigorously, working with your staff and appropriate agencies in its implementation.

**Peter Tarnoff**  
Executive Secretary



**111. Intelligence Assessment<sup>1</sup>**

Washington, March 10, 1980

**Intelligence Community Assessment of Disease Outbreak in Sverdlovsk (C)**

The Weapon and Space Systems Intelligence Committee has reviewed all available intelligence to determine if a reported disease outbreak in the Soviet Union in April 1979 was associated with a biological warfare program and has determined the following: (C)

- An extraordinary outbreak of a disease, probably pulmonary anthrax, occurred at Sverdlovsk in April 1979. (S)
- The number of deaths and the virulence of the disease were significant enough to force the Soviets to impose a quarantine in the area. The situation was not brought under control until late May 1979. (S)
- The outbreak in the city was a result of an accident in southwest Sverdlovsk at the military facility that has long been suspected of being engaged in research and development on biological warfare agents. (S)
- The nature of the accident and the resultant number of disease victims strongly indicate that the quantity of infectious agent exceeds that reasonably expected to be required for prophylactic, protection, or other peaceful purposes. (S)
- The official silence on this incident is in sharp contrast to usual public announcements of naturally occurring disease epidemics in the USSR. (U)

[*less than 1 line not declassified*] has provided consistent information regarding time, location, and a disease outbreak associated with a military biological warfare facility and has been supported by [*less than 1 line not declassified*] Specific details provided by these sources are technically accurate and does provide a plausible explanation for what happened. (S)

We have considered explanations of this incident other than the release of a large quantity of disease-producing agent from a biological warfare facility. None of these alternatives, including an improperly conducted vaccine testing or production program, adequately explains what occurred. Therefore, the Weapon and Space Systems Intelligence Committee, with the exception of State Department, concludes that there is a high probability that the Soviets still have an active biological warfare agent program at this Sverdlovsk facility. (S)

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 110, SCC 288, USSR CBW Convention, 3/14/80. Secret. The Department of State forwarded the assessment to Moscow and the Mission in Geneva in telegram 68653, March 15. (National Archives, RG 59, Central Foreign Policy File, P880025–0592)

*State Department believes that the April 1979 accident provides evidence that biological warfare stocks were involved; but that there is not adequate evidence to conclude that the facility is involved in current biological warfare production. (S)*

## 112. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, March 14, 1980, 9:00–10:00 a.m.

### SUBJECT

Soviet Compliance with Biological Warfare Convention

### PARTICIPANTS

<i>State</i>	<i>White House</i>
Warren Christopher	David Aaron
Jerome Kahan Dep. Dir., Pol-Mil Affairs	NSC
	Maj. Gen. Jasper Welch
<i>Defense</i>	Marshall Brement
Harold Brown	OSTP
Walter Slocombe Dep. Under Secretary for Policy	Frank Press
	Ben Huberman
<i>ACDA</i>	<i>CIA</i>
Ralph Earle	Stanfield Turner
Spurgeon Keeny Deputy Director	[name not declassified] Office of Strategic Weapons Research
<i>JCS</i>	
Gen. David Jones	OMB
Lt. Gen. John Pustay	Randy Jayne Assoc. Dir., NSIA
<i>DOE</i>	
John Deutsch Under Secretary	

It was agreed that the [less than 1 line not declassified] data in hand ([less than 1 line not declassified] Soviet official silence) supports that there was a major accident in Sverdlovsk in April 1979 in which a cloud of agent escaped from a military facility long suspected to be a biological warfare facility and subsequently infected people in the local vicinity of the facility, causing between [numbers not declassified] deaths [less than 1 line not declassified] due to anthrax, a known biological war-

<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 110, SCC 288, USSR CBW Convention, 3/14/80. Secret. The meeting took place in the White House Situation Room.

fare agent. The number and distribution of victims, the military jurisdiction over the subsequent quarantine, the inspection of materials leaving the city during the quarantine, and the visit of a high-level commission from Moscow early in the quarantine [*less than 1 line not declassified*] that the quantity of agent involved exceeds that permissible under the Biological Warfare Convention<sup>2</sup> for public health purposes. No other hypothesis has been advanced which could reasonably explain the [*less than 1 line not declassified*] reports. (FYI: These reports have been trickling in since the summer of 1979, but only on 10 March did the Intelligence Community come to a formal determination of the conclusions outlined above. End FYI) (S)

It was noted that the BW Convention negotiating record on what quantity is allowed for these purposes is somewhat ambiguous: the U.S. used the phrase “laboratory quantities,” whereas the Soviets stuck to “certain quantities.” Therefore, there is no numerically defined quantity for the permissible amount. (S)

Nonetheless, it was agreed that the incident raises serious issues of compliance by the Soviet Union of the Biological Warfare Convention. Further, although the evidence contains some ambiguity, it is sufficiently persuasive that it cannot be ignored and is sufficient to merit raising with the Soviet Union under Article V of the Biological Warfare Convention, which provides for direct consultation in such circumstances. It was further agreed that the evidence in this case is about as good as we can expect to have for monitoring compliance with this BW Convention, and testimony at the time of ratification so indicated. (S)

It was agreed that the appropriate channel for approaching the Soviets was from Ambassador Watson to the Soviet Deputy Foreign Minister in Moscow. State will prepare an appropriate cable whose purpose will be to get a serious and businesslike response, to indicate the seriousness with which the U.S. Government takes the matter, and to indicate we believe a satisfactory resolution has bearing on the success of other arms control negotiations. (S)

It was noted that there is currently on-going in Geneva a Review Conference on the Biological Warfare Convention which is scheduled to finish on 21 March. Accordingly, the approach to the Soviets should be made as soon as possible. (S)

With regard to instructions to our Delegation at the Review Conference, it was agreed that: (1) we should inform the Soviet Delegation of our approach in Moscow; (2) we should seek to avoid any language in the Review Conference report which might indicate that there had been full compliance with the Convention; (3) we should brief appro-

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<sup>2</sup> See footnote 4, Document 81.

pritate allied Delegations on the reasons for our reservation on compliance; (4) we would not seek to accuse the Soviets directly or to overly dramatize the situation pending any Soviet response; and (5) we should not support a recent Swedish initiative to amend the BW Convention to provide for a Consultative Commission but consider support for a UK response to the Swedes which suggests some consultative arrangements within the UN. (FYI: The Convention now provides for private consultation and cooperation under Article V and provides for raising unresolved issues in the UN Security Council under Article VI. The thrust of the Swedish proposal is to provide an international body of inquiry which would not be subject to major power veto; this non-veto aspect has made the Swedish proposal attractive to many non-aligned members of the Convention. End FYI) (S)

It was noted that the extant intelligence information was briefed to the intelligence communities yesterday. It was agreed that our approach to the Soviets should be communicated to the Foreign Relations Committees forthwith. (S)

It was noted that the Sverdlovsk incident was alleged in the German press and brought forth a strong denial by *Tass*. It was agreed that there is a high probability that the matter will shortly come out in the U.S. press. It was also agreed that a working group will prepare material suitable for briefing the U.S. press *on background* if that is later decided to be useful. (S)

It was agreed that a number of technical and intelligence points should be followed up with some urgency. (C)

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### 113. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>

Washington, March 15, 1980, 0509Z

68654. Geneva for Ambassador Flowerree only. Subject: Sverdlovsk BW Incident.

1. (Secret—Entire text).

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P880025-0588. Secret; Niact Immediate; Nodis. Sent immediate to the Mission in Geneva. Drafted by Mark Palmer (PM/DCA) and Martin Mclean (EUR/SOV); cleared by Aaron (NSC), Robert Martin (INR/PMT), Marshall Brement (NSC), Shulman (S/MS), Earle (ACDA), Peter Wilson (S/P), Slocombe (DUSD/PP), John Taylor (S/S-O), J.S. (Pustay), McCrory (CIA), Jerome Kahan (PM), and Robert Barry (EUR); and approved by Christopher (D).

2. Summary and action requested. There is disturbing evidence pointing to the release of lethal biological agent as the cause of numerous deaths in Sverdlovsk, USSR, in April–May 1979. The intelligence community's present conclusions and report have been sent to you septel.<sup>2</sup> Ambassador Watson is instructed to raise this matter with deputy Foreign Minister Korniyenko as soon as possible. Ambassador Flowerree should inform Ambassador Israelyan of the *démarche* promptly after it is made in Moscow.<sup>3</sup> End summary.

3. We are deeply concerned about the the incident in Sverdlovsk in April 1979 and its implications. We wish to make a serious effort to discuss this issue bilaterally in accordance with Article V of the Biological Weapons (BW) Convention. Speed is essential in view of the end of the BW Convention Review Conference on March 21, and our desire to give the Soviets as much time as possible to give USA considered response. It is in both our interests to have at least a preliminary response before the end of the Review Conference, since we will have to state at the conference that we have raised a compliance issue.

4. Ambassador Watson should personally make the following points as soon as possible to Korniyenko or, should he be unavailable, to another official on the First Deputy Minister or Deputy Minister level. Points should be provided in the form of a Non-Paper as well.

A.—The United States and the Soviet Union have a continuing interest in sustaining our mutual efforts to control the arms race.

B.—I have been instructed to raise a matter which potentially has extremely serious implications for the future of arms control negotiations between our countries and more specific bearing on the Biological Weapons Convention.

C.—Although no public announcement was made by Soviet authorities, for some time we have been aware of reports of an extraordinary outbreak of disease which was apparently pulmonary anthrax, which caused numerous deaths in Sverdlovsk in April 1979, and which resulted in the establishment of a quarantine.

D.—We have now received further information which indicates that this extraordinary outbreak appears to have been caused by the release of a quantity of anthrax agent exceeding that justified for prophyl-

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<sup>2</sup> See footnote 1, Document 111.

<sup>3</sup> On March 17, the Mission in Geneva reported that when informed of the *démarche*, "Israelyan's only reaction was to bemoan the fact that this development would further complicate the already difficult task of agreeing to a final declaration for the BW Review Conference. He also said that he had not been informed by Moscow of the US *démarche*." (Telegram 4292 from the Mission in Geneva, March 17; National Archives, RG 59, Central Foreign Policy File, P870149–0757)

lactic, protective, or other peaceful purposes and that it originated at a military facility in Sverdlovsk.

E.—Article V of the Biological Weapons Convention provides that the parties shall consult and cooperate with one another in solving any problems which may arise. In accordance with that article, the US government is asking that the Soviet government consult and cooperate with it and provide information to explain this outbreak of disease in Sverdlovsk in April 1979.

F.—We want to deal with this matter in the same serious way in which we have consulted on a number of questions involving compliance with arms control agreements in recent years. Because of the implications regarding compliance with the Convention itself and for other arms control negotiations, we are raising this matter directly with you and asking for prompt and full consultations. A simple denial in response to this present US approach will not advance the situation and will not serve our mutual interests.

G.—Since we are now in the process of consulting with you on a compliance related question, we will make a statement before the Review Conference concludes indicating that we are pursuing consultations in accordance with Article V. Any response you can make to our request for consultation and cooperation under Article V before the end of the Review Conference will be taken into account in determining the character of the statement we will make.

H.—Obviously, under these circumstances we would not be prepared to approve language in the final document of the Review Conference which states that no questions have arisen relating to compliance.

5. Embassy Moscow should inform Ambassador Flowerree immediately after Ambassador Watson sees Korniyenko. Ambassador Flowerree should then inform Ambassador Israelyan of the *démarche*, and repeat points made in para 4 above.

6. For Geneva: We will provide additional guidance on Revcon and consultations with Allies.

Vance

# 114. Telegram From the Embassy in the Soviet Union to the Department of State<sup>1</sup>

Moscow, March 17, 1980, 1031Z

4225. Department repeat Geneva for Ambassador Flowerree. Subj: Démarche on Sverdlovsk BW Issue. Refs: (A) Moscow 4211,<sup>2</sup> (B) State 70023,<sup>3</sup> (C) State 68654.<sup>4</sup>

1. (S—Entire text.)

2. I made the démarche on the Sverdlovsk incident this morning to First Deputy Foreign Minister Korniyenko, reading and leaving with him as a Non-Paper the talking points from Ref C as amended by Ref B. In supplemental remarks I made the additional point that a simple denial would not advance the situation or serve our mutual interests.

3. Korniyenko responded to my presentation by stating that the Soviets would of course study the statement I had made, but that he would like to make a few immediate points. First of all, he said, in the case of the Biological Weapons Convention (BWC) as with all international agreements to which the Soviet Union is a party, the Soviet Union strictly complies with all requirements of the agreement. Secondly, in a number of instances US government agencies have been compelled to admit publicly and officially that charges which have appeared from time to time in the US press about the alleged non-observance by the Soviet Union of this or that agreement were unjustified.

4. In the present case, Korniyenko continued, he could not but wonder why we were raising the matter and what the purpose of our statement was. He noted that Soviet, US, and British specialists, as rep-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P880025–0580. Secret; Immediate; Nodis. Later that day, Watson sent an Eyes Only telegram to Vance and said “I thought I ought to tell you personally that if we cannot back up the Sverdlovsk questions with substance, or if the Soviets are able to prove their denial or shake our position in any way, we will further reduce our precarious relationship with this country.” (Telegram 4276 from Moscow, March 17; National Archives, RG 59, Central Foreign Policy File, P900077–1675)

<sup>2</sup> In telegram 4211 from Moscow, March 17, Watson reported that First Deputy Foreign Minister Georgi Korniyenko “questioned the motives” behind the raising of the Sverdlovsk incident “at this stage, given the fact that it did not arise during the several months that our experts worked together in preparing a draft report for the Review Conference.” (National Archives, RG 59, Central Foreign Policy File, P870149–0757)

<sup>3</sup> In Telegram 70023 to Moscow, March 16, the Department of State instructed Watson to delete the final sentence of paragraph 4 (F) of the Non-Paper Sverdlovsk incident contained in Telegram 68654 (See Document 113) and instead convey the sentence orally to Korniyenko. (National Archives, RG 59, Central Foreign Policy File, P880025–0585)

<sup>4</sup> See Document 113.

representatives of the BWC depository, had jointly worked on a report for submission to the BWC Review Conference and that no such questions had arisen during the preparation of the report. Now, all of a sudden, the US side was raising expressions of concern, asking for urgent consultations, and stating that it would inform the Review Conference that it had done so.

5. Korniyenko then characterized the information I had provided about the incident itself as vague. He did not know, he said, on what it was based and added that it was not unheard of for there to be no basis for such allegations. Even assuming, Korniyenko went on, that some kind of illness did occur in the Sverdlovsk area, what relationship did this have to the BWC? He asked me to imagine how we would react if the Soviets today or tomorrow were to make such a representation to US, expressing concern about the "Legionnaires' Disease," obliging US to enter into consultations under the BWC, and trying to bring that matter into the work of the BWC Review Conference.

6. In commenting on Korniyenko's remarks, I stated that the US representation was occasioned by an interagency study of all available evidence of the unexplained incident in Sverdlovsk, some of it received fairly recently, and that what we were seeking was an explanation of the incident. As for his reference to the vagueness of the information, I told him that I thought it was spelled out rather clearly in the non-paper I had left with him but that if he could characterize what was not clear to him I would try to elaborate. Noting that the parties to the BWC are not permitted to have biological warfare stocks, I told him that if there was a sensible explanation for what had occurred in Sverdlovsk I hoped it could be provided to US quickly so it could be taken into consideration in the report we were required to make [garble].

7. Answering his question on how we would react if challenged about the Legionnaires' disease, I said I thought I had a pretty good idea of what our procedure would be. We would in all likelihood invite the Soviets to send scientists to discuss the matter with our scientists and to visit the communicable disease center in Atlanta to go over the records of what our investigation had shown thus far.

8. Korniyenko said he had nothing to add and would merely repeat that the Soviets would study our statement and provide a response. He stressed that he did not know whether anything had happened in Sverdlovsk or not and that it would require looking into and checking. But he was still struck by the fact that our experts had worked together for several months and that no such matter had been raised. Our raising of the question at this point could only give rise to feelings of apprehension on the Soviet side as to our good faith in doing



so—particularly in view of the fact that the Soviets would do nothing which would violate the Convention.

Watson

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**115. Memorandum From the Director of the Arms Control and Disarmament Agency (Earle) to Secretary of State Vance<sup>1</sup>**

Washington, March 19, 1980

SUBJECT

Congressional Consultations on BW Convention Compliance Question

I have now consulted with Senators Church, Javits and Baker and Congressmen O'Neill, Rhodes, Wright, Zablocki and Bloomfield<sup>2</sup> on the subject of the question we have raised with the Soviets relative to compliance with the BW Convention. An appointment with Senator Byrd<sup>3</sup> could not be arranged.

All the Members that I briefed were calm in their reactions and considered this to be a serious matter that should be pursued with the Soviets. Chairman Zablocki urged that our Allies get out in front on this issue, as it is just as much a concern of theirs and in Soviet eyes these days anything we do of this nature is suspect. Chairman Zablocki asked if the Review Conference couldn't be extended until we had an answer. I undertook to consider these suggestions.

Chairman Church expressed concern over what we would do next, if we got a negative answer from the Soviets. He observed that in view of the U.S. press reports, the Soviets would probably believe that this was a deliberate plot by the United States. I replied that at this time we were awaiting the Soviet reply, considering what we should say in our plenary statement at the Review Conference and giving general consideration to any further steps.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 83, USSR: 3/20–31/80. No classification marking. Copies were sent to Brown, Jones, Turner, and Brzezinski.

<sup>2</sup> Senators Frank Church (D-Idaho), Jacob Javits (R-New York), Howard Baker (R-Tennessee), and Congressmen and Speaker of the House of Representatives Thomas P. "Tip" O'Neill (D-Massachusetts), House Minority Leader John Rhodes (R-Arizona), House Majority Leader James "Jim" Wright, (D-Texas), Clement Zablocki, Chair of the House Foreign Affairs Committee (D-Wisconsin), and William Broomfield (R-Michigan).

<sup>3</sup> Senate Majority Leader Robert Byrd (D-West Virginia).

Senator Baker asked if there was any connection between this issue and the allegations of gas warfare in Afghanistan. I replied that the two were completely separate questions and involved different international agreements. Senator Baker asked whether there was anything he could do to help. I expressed the hope that the Congress would be restrained in its reaction and permit us time to review and assess the Soviet response and consider next steps. Senator Javits said that we should insist on a Soviet response prior to the close of the Review Conference and I said that we had indicated to them that the nature of their response would determine the character of our plenary statement at the Conference.

Congressman Rhodes said that we had enough difficulties of this type at this time and it was too bad we had another problem. Speaker O'Neill and Congressmen Wright and Broomfield listened closely and expressed appreciation for the briefing.

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#### 116. Telegram From the Embassy in the Soviet Union to the Department of State<sup>1</sup>

Moscow, March 20, 1980, 1054Z

4496. Department repeat Geneva. Subj: Soviet Reply to Démarche on Sverdlovsk BW Incident. Refs: (A) Moscow 4225,<sup>2</sup> (B) State 68654.<sup>3</sup>

1. (S—Entire text.)

2. In replying to our démarche on the Sverdlovsk incident, the Foreign Ministry confirmed that an outbreak of anthrax occurred in Sverdlovsk in March/April 1979 but said this was due to natural causes, denied that it had anything to do with the Biological Weapons Convention and charged that the raising of the issue by the United States creates the impression that someone is trying to cast a shadow on the efficacy of the Biological Weapons Convention. The reply was given to the acting DCM in the form of an oral statement this morning (March 20) by Viktor Komplektov, Chief of the Foreign Ministry USA Department, because Komplektov insisted that the appointment take

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 83, USSR: 3/20–31/80. Secret; Niact Immediate; Nodis. Printed from a copy that indicates the original was received in the White House Situation Room.

<sup>2</sup> See Document 114.

<sup>3</sup> See Document 113.

place before 12 noon, we imagine the Soviets may be planning shortly to release the text of the statement to the press.

3. Following is the embassy's informal translation of the oral statement, a copy of which was given us as a Non-Paper.

Begin text:

In connection with the representation of the embassy of the USA in Moscow of 17 March 1980, the Ministry of Foreign Affairs of the USSR is instructed to state the following:

The Soviet side firmly rejects the efforts of the government of the USA to place in doubt the conscientious fulfillment by the Soviet Union of the provisions of the Convention on the Prohibition of Bacteriological Weapons; with regard to this Convention, just as with other international agreements in which the Soviet Union participates, the Soviet side strictly fulfills all provisions of the documents under which it has accepted the relevant obligations.

In accordance with the legislation and practice of the Soviet Union, the observance of the provisions of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, ratified by order of the Presidium of the Supreme Soviet of the USSR on 11 February 1975, is guaranteed by the appropriate State Institutes of the USSR. In a statement made by the representative of the USSR in the Committee on Disarmament on 24 June 1975, it was pointed out that the Soviet Union does not have any of the bacteriological (biological) agents and toxins, weapons, equipment and means of delivery indicated in Article 1 of the Convention.<sup>4</sup>

As for the incident referred to by the American side which occurred in April 1979 in the area of Sverdlovsk, there did in fact occur in this area in March–April 1979 an ordinary outbreak, arising from natural causes, of anthrax among animals and cases of illness of people from the intestinal form of this infection, connected with the use as food of the meat of cattle which was sold without observance of the rules established for veterinary supervision. Appropriate warnings in connection with this were given in the press. No quarantine of any kind was established.

That it occurred, however, has no relationship to the question of observance by the Soviet Union of the Convention on the Prohibition of Bacteriological Weapons. And therefore there is absolutely no basis for

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<sup>4</sup> Article 1 of the Biological Weapons Convention outlines the prohibitions detailed in the BWC. While specific substances are not banned, their purposes can be if they would prove to be harmful. Biological weapons that are prophylactic, protective or peaceful are permitted by the BWC. (Draft text of the Biological Weapons Convention, Department of State *Bulletin*, November 1, 1971, pp. 508–511)

putting forward the question which has been raised by the American side.

The impression is automatically created that someone would like under a clearly invented pretext to cast a shadow on the efficacy of the Convention on the Prohibition of Bacteriological Weapons—one of the most important agreements in the arms control area—and to do this at the very moment when the Review Conference on the operation of this Convention is taking place in Geneva,<sup>5</sup> such actions by the government of the US are clearly not dictated by concern for the strengthening of valid international agreements on disarmament. On the contrary, they are only capable of weakening these agreements, of complicating the situation, of hampering the efforts of States in the matter of limiting the arms race. The Soviet side condemns such actions as directly contradicting the interests of preserving and strengthening peace. End text.

4. A/DCM stated that the embassy would transmit the Soviet Union's response immediately to Washington. He took note of the fact that the response contained some information on the incident in Sverdlovsk, but added that it was not possible to accept the allegations as to the motives of the US in raising this matter. Given the growing evidence on the incident, it clearly had to be raised in order to be dealt with before the BWC Review Conference meeting in Geneva ended. He emphasized that it was not the intent of the USA to "cast a shadow" over the BW Convention or any other disarmament treaty.

5. In seeing A/DCM to the door, Komplektov commented that, only 24 hours after the Ambassador had met with first Deputy Foreign Minister Korniyenko on March 17,<sup>6</sup> everything he had said at that meeting had appeared in the press and that this happens "every time". That circumstance, he said, only served to bear out the validity of the views expressed in the final paragraph of his statement.

**Watson**

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<sup>5</sup> The First Review Conference of the Biological Weapons Convention met March 3–21. See Document 119.

<sup>6</sup> See Document 114.

**117. Memorandum of Conversation<sup>1</sup>**

Washington, March 21, 1980, 1:30 p.m.

**SUBJECT**

Conversation with Soviet Ambassador Dobrynin

**PARTICIPANTS***US*

The Secretary

Assistant Secretary George Vest,

EUR

*Soviet Union*

Ambassador Anatoliy F. Dobrynin

[Omitted here is discussion unrelated to chemical or biological weapons.]

Dobrynin:—The mood of the country is reinforced by the pronouncements of the Administration, so much so that there seemed to be practically nothing left to maintain in our bilateral relations.

Dobrynin illustrated his point with the report of Soviet gassing of Afghanistan villages, complaining that our official press briefing accused the Soviets without evidence to back it up. The Secretary replied that for weeks we have gotten extensive and numerous reports which give detailed accounts describing two kinds of gas, smoke and another which causes bleeding and death. We have report after report from many different sources. Therefore, our Spokesman was correct when he said that, although we have no photographs, we have so many reports from refugees that we have to take account of them. Dobrynin's reply was that these are only stories and we have no proof. Do you believe, he asked, that we have no sense of civilization? It seems that you will accept any accusation against the Soviets.

He then turned to the bacteriological warfare episode. Anthrax, he said, is a disease which from time to time occurs in the Asian world.<sup>2</sup> The Soviets have experienced it before in Siberia and warned people to avoid infected meat. In this case it was not a secret episode, it happened a year ago. Yet when people came to the West and told stories, we listened to their stories, reacted in public and to the UN agency without waiting for or giving credence to what the Soviet Union said. The Secretary pointed out that the essential fact was that there appeared to be evidence that some material had not been destroyed which should have

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Memcons: April, May, June 1980. Secret. Drafted by Vest; and approved by Vance. The memorandum is printed in full in *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 272.

<sup>2</sup> See Documents 113, 114, and 116.

been. Dobrynin replied that the Soviet authorities would not take such chances with their own citizens. The episode took place a year ago and now was being used as propaganda against the Soviets. The State Department Spokesman had no answer as to why this subject came up a year late or why we made accusations without proof. He was forced to conclude that a US TV commentator was right when he described it as an instance of the Administration's "aggressive psychological warfare." Certainly that is the atmosphere, an atmosphere which is altogether negative, a search warrant atmosphere, and as a result the structure of the past ten years is left standing like a building exposed to an atomic bomb. The Secretary commented that it was not our intent to destroy the structure. He had said that before and stood by it, but he did not minimize the problems. Dobrynin repeated gloomily that the only thing left was the bare framework of the structure and nothing else. The Secretary asked if Dobrynin thought the people in Moscow understood the intensity of the US public reaction to the invasion in Afghanistan. Dobrynin replied yes, they did understand it and, if not, the US reminded them of it daily.

[Omitted here is discussion unrelated to chemical or biological weapons.]

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#### **118. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Washington, March 24, 1980, 1828Z

4735. Subject: US-USSR Chemical Weapons (CW) Negotiations, Round Eleven: Summary of Developments.

CW message number 16

1. (Confidential—Entire text).

2. Summary. Round eleven represented continuation of pattern established in second half of round ten. Delegations met frequently. Despite active discussion of verification, Dels did not narrow differences on key issues in this area. Some progress was made on secondary issues and in drafting language for a joint initiative. End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800150-0125. Confidential; Priority. Sent for information to Moscow.

3. Round eleven of the US–USSR Chemical Weapons negotiations, which began on February 11, 1980, ended on March 19, 1980. During that period eight plenary meetings and fourteen drafting group meetings were held.

4. Plenary discussions during the round dealt primarily with issues relating to on-site inspection, with problems of irritants and precursors, and with various declarations concerning chemicals used for permitted purposes. Work in the drafting group was devoted to discussion of provisions on definition of terms, non-transfer / non-assistance, permitted activities, declarations to be made within thirty days after a state becomes a party, and destruction of stocks.

5. The most noteworthy features of the round were: continuing active pace of meetings, better-focussed discussion of verification-related issues, slow progress in resolving substantive questions, drafting of additional elements for a joint initiative, and Soviet nervousness about CW discussions in the Committee on Disarmament (CD).

A) Continued active pace. Meetings were held frequently (4 days out of 5), continuing the pattern begun in the second half of the previous round. Atmosphere was business-like with no apparent indication that US-Soviet tensions were spilling into the bilateral CW negotiations. Both Delegations experienced considerable difficulty in working around schedule of other meetings (CD and the Biological Weapons Convention Review Conference).

B) Better-focussed discussion of verification-related issues. Soviets appeared more willing this round to enter into discussion of verification-related issues. This reflects pattern first observed toward end of previous round. Agreement between Dels to respond at the next plenary meeting, if possible, facilitated exchange of views. Verification-related discussions dwelt on agreed procedures for facilitating verification at declared production and filling facilities, as well as on nature of international participation in on-site inspections; procedures for challenge inspection were discussed briefly. As discussed below, while some progress was achieved on secondary issues, principal issues remain.

C) Slow progress in resolving substantive questions. Despite some progress on secondary issues, U.S. Del is disappointed that more progress was not achieved given the time and effort expended. In terms of resolving issues, this round was not much more productive than previous rounds. (Specific issues resolved are noted below). Soviets, however, appear not only comfortable with current pace but have also resisted our attempts at accelerating it.

(1) On the positive side, the Soviets:

—Agreed that herbicides should be excluded from the Convention;

—Accepted U.S. proposal that production of small quantities of super-toxic lethal chemicals for protective purposes be limited to a single small-scale facility, the location of which would be declared;

—Suggested that representatives of the consultative committee be permitted to participate as observers during on-site inspections;

—Suggested a broad interpretation of the term “law-enforcement purposes” so as to cover those military uses of irritants the U.S. wishes to protect;

—Finally began to respond to April 1978 U.S. proposals on procedures for challenge inspections.

(2) On the negative side, the Soviets:

—Continued to oppose pre-agreed (i.e., mandatory) international on-site inspection;

—Continued to insist that coverage of precursors be limited to the final stage of agent production;

—Continued to oppose declaration of facilities at an early stage of the treaty regime;

—Took the position that teams carrying out challenge inspection could not bring own equipment, and that no data acquired by such teams without participation of host country personnel could be considered reliable.

(3) Entry into force. Final plenary statement contained the only Soviet reference during this round to Soviet proposal that ratification by all permanent members of the UN Security Council should be a requirement for entry into force. Reference was indirect; Soviets asked if U.S. had changed its position on entry-into-force question.

D) Drafting of further provisions for a joint initiative. Virtually all the effort in the drafting group was devoted to discussing and formulating provisions for a joint initiative. Work begun in previous round on definitions and non-transfer/non-assistance provision was continued. Ad referendum agreement was reached on several additional definitions and on the non-transfer/non-assistance element (texts being transmitted septels).<sup>2</sup> As a result first three elements are virtually complete (element covering the basic prohibition was agreed in previous round). Work was started on elements dealing with permitted activities, with declarations to be made thirty days after a state becomes a party, and with destruction of stocks. Some progress was made in drafting language on these elements, but a number of substantive issues remain to be resolved.

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<sup>2</sup> Not found.



E) Soviet nervousness about CW discussions in the CD. Soviets, having cynically supported establishment of a CW working group in the CD, are obviously nervous about how it will actually function. They raised topic of CW working group in virtually every plenary meeting and sought to establish coordinated US-Soviet approach to nature of the group's work, scheduling and chairmanship. U.S. Del assured Soviets that U.S. would avoid actions in the CD which would harm the bilateral negotiations, but avoided more specific commitments.

**Helman**

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### **119. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Washington, March 27, 1980, 1813Z

4939. Department please repeat to other interested posts. Subject: BWRC: Biological Weapons Convention Review Conference—Wrap up.

1. (Confidential—Entire text).

2. Summary. This message provides a summary and analysis of the BW Review Conference held in Geneva, March 3–21, 1980. Detailed treatment of issues such as verification, complaint procedures, chemical weapons, and peaceful biological research contained in paras 9–12. The impact of the revelations regarding the Sverdlovsk incident on the Revcon is also considered. End summary.

3. The Biological Weapons (BW) Convention Review Conference, which met in Geneva March 3–21, 1980, adopted by consensus a final declaration<sup>2</sup> reaffirming the “strong support (of the 53 states parties in attendance) for the Convention, their continued dedication to its principles and objectives and their commitment to implement effectively its provisions.” This successful conclusion was not achieved without considerable effort by a small group of delegations, especially the UK with low-key U.S. support, to bridge gaps between the various positions on

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800155–0842. Confidential; Priority. Sent for information to London, Moscow, USNATO, and USUN.

<sup>2</sup> See “Final Declaration of the Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,” *Documents on Disarmament, 1980*, pp. 152–156.

issues such as adequacy of verification and complaint procedures and the flow of information and assistance in the area of peaceful research in biological agents and toxins. These issues as well as treatment of Article IX of the Convention calling for efforts toward a chemical weapons ban are treated in more detail below.

4. The impact of the Sverdlovsk incident on the outcome of the Revcon seemed to be relatively slight with most delegations (including some allies) bemused by the curious timing of our approach to the Soviets and the subsequent press play. However, these same participants also recognized the seriousness of the inquiry and the importance of our obtaining a satisfactory response from the Soviets. In general they appreciated our low-key handling of the issue within the Revcon. Sverdlovsk did have the effect of making it more difficult for U.S. Del to take a direct role in negotiating the final declaration, which involved finding a median position between the Soviet line that all was well with the Treaty and Swedish pressure to amend the Convention to provide for a permanent consultative committee which the U.S. and most Western delegations opposed as being unworkable in view of Soviet opposition and as setting a bad precedent for the NPT.

5. Sverdlovsk, coupled with recent events in Southwest Asia, of course minimized substantially co-depositary cooperation which had characterized earlier Treaty Review Conferences. Until the Soviet Del was informed of the incident they were expressing dismay over our conspicuous failure to support them on such issues as compliance and on the adequacy of verification and complaint procedures. Our bilateral difficulties with the Soviets provided an opportunity for the UK Del, as representatives of the third depositary power, to play an extremely active role in developing a final declaration through their proposal, with our encouragement, to establish an informal "non-group" with representatives from various political and geographic groups. Their role in negotiating language in Article V was particularly noteworthy and is detailed in para 9 below.

6. Cooperation within the Western group, whose informal meetings were chaired by the U.S., was generally close and harmonious. A number of our allies, most notably Canada, Australia, and New Zealand, were vocal in their early support of the Swedish proposal to amend Article V (see para 9); however, they soon became skeptical of chances for its success and began working closely with UK on compromise formulations. It should be noted that these delegations were quite supportive of U.S. positions on issues such as CW and increasing cooperation to developing countries in the area of peaceful biological research.

7. Oscar Vaerno, the Revcon's President, put in a solid, if not spectacular, performance, and was largely responsible for the generally

businesslike pace of the deliberations. Amb. Voutov of Bulgaria, the chairman of the committee of the whole, more than once seemed uncomfortable under the watchful eyes of the Soviets as he attempted to reconcile differing points of view during the article by article debate. Amb. Maina of Kenya, the drafting committee chairman, was effective in his role, and clearly appreciative of the spade work done by the “non-group” in developing draft elements of a final declaration.

8. Detailed discussion of major issues follows.

9. Complaint mechanism. Clearly the most controversial and contentious debate during the conference centered on Sweden’s proposed amendment to Article V to provide for a permanent consultative mechanism to investigate complaints of possible violations of the Convention. The Swedish objective was to ensure that this “fact finding” stage was clearly distinguished (and thus immune from a possible veto for a permanent UN security council member) from the subsequent “Political Decision” phase, i.e., whether to take a complaint to the security council for appropriate action. Predictably, the GOS proposal caught on with the Non-Aligned and the objective, if not the means, attracted some sympathy from Western Dels who shared Swedish concerns over the adequacy of existing verification measures in the Convention. However, increasingly strident Eastern opposition and latent Western skepticism about the wisdom of formally amending a convention which had been so carefully negotiated and whose amendment could create two sets of parties each adhering to a different text enabled the UK Del to step in as honest broker with a proposal, based on earlier US–UK discussions, to attempt to meet Swedish concerns through some other means, such as an interpretative statement in the final declaration. The UK’s efforts were aided to a considerable degree by: a) our own low-key but strong expressions of support; and b) more importantly, by the realization that many Non-Aligned Dels were more interested in removing alleged “discriminatory” language in the Convention than with the real substance of the GOS amendment. It then became a matter of getting the Soviets, who were obviously aware of their isolated stance, to agree to some compromise formulation which would be at least minimally acceptable to the Swedes, but would reflect the view that no amendment was necessary. The Soviets undoubtedly also feared that, if a consultative committee were established, interest of others in the Sverdlovsk incident could create a test case. These “negotiations” to a certain extent were prolonged needlessly by Swedish (read Amb. Lidgard’s) insistence that any interpretative language include a commitment to revise Article V formally at some future date. Swedes finally settled on a formulation calling for “further consideration” of this issue at “an appropriate time.”

10. While, as noted in U.S. Rep’s closing statement, the agreed language on the right of any party to call for the convening of a consulta-

tive committee of experts lacks precision in some areas (e.g., it does not designate the authority who would convene the consultative committee), we believe the Convention is now an improved instrument. We must continue to bear in mind, however, that the Swedes and others will continue to press their case for formal revision of Article V at the second BW Revcon, whether or not this agreed interpretation of the current consultative provisions is ever invoked.

11. Chemical Weapons. Suprisingly little controversy was engendered by the review of Article IX, dealing with negotiations on a chemical weapons convention, a subject that had been the focus of non-aligned concerns at the PrepCom last July. The imminent establishment by the Committee on Disarmament (CD) of a working group on CW undoubtedly helped defuse the situation. Therefore, most delegations, particularly the Non-Aligned, seemed content to make the customary criticism of the alleged lack of progress in our bilateral talks with the USSR and to call on the CD to begin immediate multilateral negotiations. However, they stopped short of seeking any far-ranging discussion on a CW prohibition. A number of delegations did take the opportunity of citing the indispensability of effective verification measures to any CW convention—a point we trust was not lost on our bilateral CW negotiating partner.

12. Peaceful biological research. On the other hand, Article X on cooperation in peaceful biological research was singled out for substantial comment by the Non-Aligned, evoking memories of recent lengthy debates in the UN and elsewhere on the peaceful uses of nuclear energy. Taking their cue from the background paper on scientific/technological developments in the field of biology (Bacteriology) as well as the UN SSOD's endorsement of the "close relationship" between disarmament and development, several delegations, led by Romania, Yugoslavia, and Brazil, pressed for commitments from developed countries to make info on such scientific/technological developments available on a more regular and systematic basis to all parties. They also sought (and obtained) a call in the final declaration for developed states to provide increased technical assistance, such as the training of personnel and transfer of equipment and technology in relevant areas of biological research. The reaction from eastern and western delegations was extremely cautious, with the USSR citing the extensive amount of assistance already taking place and the western Europeans expressed privately their concerns over the potential effect on commercial proprietary interests of any subsequent efforts to "institutionalize" transfers of technology in this field.

13. The negotiations with the Soviets on compromise language for the section on the final declaration on Article V ultimately led to agreement on the question of future Review Conferences. While the BW con-

vention does not provide for subsequent Review Conferences, it was the clear desire of an overwhelming majority of the participants that a second Review Conference should be held. Soviet reluctance to fix a date for this future meeting forced the Swedes to accept language which made the holding of the conference contingent upon the request of the majority of the parties, and no earlier than 1985, in exchange for Soviet acquiescence on the Article V issue. In practice, however, we believe there will be no difficulty in mustering the majority required to convene the next Revcon in 1985.

**Helman**

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## **120. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>**

Washington, March 28, 1980, 0004Z

81691. Subject: Sverdlovsk Incident (U). Geneva for Amb. Flow-  
erree. Refs: (A) State 68654;<sup>2</sup> (B) Moscow 4496.<sup>3</sup>

1. Secret—Entire text.

2. Embassy should seek an early opportunity to convey the following points to Komplektov or another MFA official at a comparable level. Points should also be provided in the form of a Non-Paper.

A. We have studied the response of March 20 by the ministry of foreign affairs to the United States' request for information regarding the outbreak of anthrax in the area of Sverdlovsk in March–April 1979.<sup>4</sup>

B. We welcome the information you provided regarding the incident. However, you will appreciate that on matters of such complexity, it is difficult for us to acquire a sufficiently full and confident understanding of the situation without a substantially greater exchange of information. For example, reports available to us indicate a prolonged

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800156–0291. Confidential; Immediate; Exdis. Sent for information Priority to the Mission in Geneva. Drafted by Robert Einhorn (ACDA); cleared by Aaron, Jerome Kahan (PM), Keeny, Slocombe (OSD), Michael Finnarelli (OSTP), James Granger (JCS), Shulman, Peter Wilson (S/P), Robert Barry (EUR), McCrory, and Robert Steven (S/S–O); and approved by Vance.

<sup>2</sup> See Document 113.

<sup>3</sup> See Document 116.

<sup>4</sup> Ibid.

outbreak of pulmonary anthrax in Sverdlovsk, involving large numbers of fatalities. Based on our experience, we would expect an outbreak of anthrax resulting from contaminated meat to have been of relatively short duration and to have resulted in only a small number of fatalities.

C. We believe it is essential for our two governments to make prompt and determined efforts to arrive at a mutual understanding of this matter. Article V of the Biological Weapons Convention, the importance of which was recently reaffirmed at the Convention's Review Conference, requires consultation and cooperation between parties in order to reduce uncertainties and allay concerns that might arise. As depositary governments, the Soviet Union and the United States bear a special responsibility for ensuring the effective operation of the Convention's consultative procedures. As the two leading participants in international arms control efforts, we have an additional and important responsibility to demonstrate our readiness to work together constructively to promote the viability of existing agreements.

D. We believe the most effective means of clarifying the situation—and thereby meeting our mutual obligations under Article V of the BWC—would be to hold confidential discussions involving Soviet and American medical, public health and veterinary specialists. We believe the specialists should meet as soon as possible, preferably within the next few weeks. We would be prepared to hold the discussions in the Soviet Union or some other mutually acceptable location.

E. In proposing that specialists from both sides meet confidentially to discuss the Sverdlovsk situation, we are mindful that, in the context of SALT, U.S. and Soviet experts have been able to resolve treaty implementation questions of great complexity and sensitivity in a mutually satisfactory manner. While no formal consultative mechanism exists for the BW Convention, we hope that the ad hoc discussions we are proposing would enable us to deal with the present situation in an equally satisfactory fashion.

F. In reference to the last paragraph of the foreign ministry's response, we cannot accept the implication that U.S. efforts are directed toward complicating the situation and weakening international agreements on disarmament. Our motivation is precisely the opposite—to resolve the current situation as quickly as possible and to strengthen those agreements by restoring confidence in their effective implementation.

3. FYI. Site of initial discussion, referred to in para 2D above, should not prejudice possibility of U.S. seeking to visit Sverdlovsk as part of investigative process if necessary. End FYI.

**121. Telegram From the Embassy in the Soviet Union to the Department of State<sup>1</sup>**

Moscow, April 24, 1980, 1513Z

6630. Military addressees handle as Specat exclusive for Service Chiefs. Geneva for Ambassador Flowerree. Subj: Soviet Response to Démarche on Sverdlovsk Incident. Ref: (A) Moscow 4974,<sup>2</sup> (B) State 81691.<sup>3</sup>

1. (S—Entire text.)

2. The Soviets have rejected our request for consultations under the Biological Weapons Convention (BWC) in connection with the outbreak of anthrax in Sverdlovsk, relying on their earlier explanation that the outbreak was due to natural causes. The reply to our March 28 Démarche (Ref A) was given to the DCM on April 24 in the form of an oral statement by Viktor Komplektov, chief of the MFA USA Department.

3. An informal translation of the Soviet statement, which Komplektov also gave to DCM as a Non-Paper, follows:

Begin text. In connection with the renewed Démarche of the embassy of the USA in Moscow on March 28, 1980, concerning the cases of anthrax disease in March–April 1979 in the region of the city of Sverdlovsk, the Soviet side reaffirms its response to this question which was set forth to the American side on March 20, 1980.<sup>4</sup>

The Soviet side resolutely rejects as fully unsubstantiated the attempts by the American side to place under doubt the reliability of the information presented to it to the effect that the mentioned cases of anthrax disease appeared as a result of epizootics which periodically break out in these areas. The information given to the American side clearly indicates that what occurred is in no way connected with a question concerning the implementation of the Convention on the Prohibition of Bacteriological Weapons. Accordingly, there are no bases for raising the question of conducting consultations as foreseen by the mentioned Convention.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Brown Files—General #1, Biological Weapons. Secret; Immediate; Exdis. Sent for information to the Mission in Geneva and USNATO.

<sup>2</sup> Telegram 4974 from Moscow, March 28, reported that officials from the Soviet Ministry of Foreign Affairs had been unable to locate newspapers that covered the Sverdlovsk incident because “they were after all local papers and that the incident occurred a long time ago.” (National Archives, RG 59, Central Foreign Policy File, D800156–1044)

<sup>3</sup> See Document 120.

<sup>4</sup> See Document 116.

The fact that, despite the official clarifications given to it, the American side continues to return to this question only confirms the earlier conclusion we have drawn concerning the real motives of such type of actions of the government of the USA which have nothing in common with the goals of strengthening the Convention on the Prohibition of Bacteriological Weapons. End text.

4. DCM responded that he would of course report the Soviet statement to Washington. As a preliminary reaction, however, he said that he must express regret that the Soviets had seen fit to answer our approach in this manner and to reject the possibility of consultations, which would have been a constructive way of dealing with the questions that had arisen. DCM added that he once again rejected the allegation that the motives of the US in raising the question were other than to strengthen the BWC.

5. Komplektov responded that he could only say that he regretted DCM's expression of regret. The Soviets, he said, had given a very constructive, exhaustive and official response to the first US *Démarche*. Repeating that the Soviet Delegate to the Conference on Disarmament had stated as early as 1975 that the Soviet Union did not possess any of the bacteriological agents or instruments prohibited by Article 1 of the BWC, Komplektov said that this meant that there was no justification for questioning of Soviet compliance with the BWC. The Soviets had earlier explained, Komplektov continued, that the 1979 outbreak of anthrax was due to natural causes despite this, the US was still endeavoring to cast doubt on the well-grounded official Soviet position and on the good will which the Soviet side had shown in answering the US question in a constructive manner.

6. DCM stated that he would not comment further on Komplektov's repetition of their position, but would report the conversation for Washington's official reaction.

**Watson**



**122. Telegram From the Department of State to the Embassy in the United Kingdom<sup>1</sup>**

Washington, April 26, 1980, 0444Z

109665. Subject: Consultations on Reported use of Chemical Weapons (CW).

1. (Secret—Entire text)

2. Summary: We believe the reports of Chemical Weapons (CW) use in Indochina and Afghanistan require greater international attention and that they should be investigated further by an impartial international team. We are planning to send out an interagency team to selected capitals to discuss the issue further. This message instructs action addressees to approach host governments to set up meetings for the team with appropriate host government officials. The request for administrative assistance in arranging the team's trip will follow Septel. End summary.

3. The USG continues to be deeply concerned over continuing reports that Chemical Weapons (CW) are being used in Laos, Kampuchea and Afghanistan. These reports are sufficiently credible to warrant greater international attention to discourage such use and help ensure that Chemical Weapons are not used in any conflict, current or future, in any region of the world. We believe the most effective means of obtaining the necessary attention and action would be through an impartial international investigation.

4. Reports of the use of Chemical Weapons are not and should not be a matter of concern to the United States alone. To stress the seriousness with which the USG views this issue, to stimulate support for such an investigation, and to encourage other actions which could contribute to the resolution of the problem, we plan to send out a special interagency team of policy officials [*less than 1 line not declassified*] to se-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800206–0389. Secret; Priority. Sent Priority to Paris, Bern, Bonn, Rome, Brussels, The Hague, USNATO, Copenhagen, Stockholm. Sent for information Priority to the Mission in Geneva, USUN, Islamabad, Vientiane, Moscow, Bangkok, Ottawa, Canberra, Tokyo, the U.S National Military Representative to the Supreme Headquarters of the Allied Powers in Belgium, and Wellington. Drafted by Murray and David Carlson (PM/CA); cleared by Oplinger and Brement, Jack Smith and Manuel Sanches (JCS), Alan Overmeyer (T), Peter Wilson (S/P), Robert Peck and Richard Norton (NEA/PAB), Avis Bohlen (EUR/RPM), Edgar Beigel (EUR/WE), Charles Hoettle (EUR/CE), Cameron Sanders and William Menold (IO), Mark Palmer (PM/DCA), [*name not declassified*] (CIA), George Gasberri (DIA), Merle MacDonald (OSD), Robert Mikulak (ACDA/MA/AT), Richard Combs (S/MS), Edmund McWilliams and Michael Gelner (EA/VLC), Martin Mclean (EUR/SOV), Neil Michaud, Richard Thompson, and Dennis Goodman (EUR/NE), Michael Matheson (L/PM), and Robert Martin and Gary Crocker (INR/PMA); and approved by Mark Palmer (PM).

lected capitals. Other key nations will be contacted either in Washington or through our embassies (we will be sending Septels on this later.)

5. Mr. Mark Palmer (Director, State, PM/DCA) will head the team and will be accompanied by officials from the Department of Defense, the Arms Control and Disarmament Agency, and the State Department's Legal Advisor's Office. The trip and our separate consultations will have three specific purposes:

—A. To share the evidence we have collected to date, and to encourage others to join in pooling with us any evidence they may have or obtain.

—B. To describe the diplomatic steps we have taken to date, and to learn what actions other governments have taken.

—C. To present US ideas for further steps, to consider any ideas others may have, to obtain support in the evidence collection effort and to seek agreement on a common strategy which would include having an objective international investigation of the reports conducted.

6. Action addressees are requested to set up meetings for the team with appropriate host government officials concerned with arms control, security and foreign policy issues, and the regions involved. In approaching host governments and initiating these consultations, embassies may draw on points contained paras 3–5 above.

7. For Geneva: We will be in touch with mission by phone to discuss arrangements for team's meetings in Geneva.

[Omitted here is the travel schedule for the Palmer team.]

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### 123. Memorandum From Secretary of Defense Brown to President Carter<sup>1</sup>

Washington, April 30, 1980

#### SUBJECT

Weteye Bombs

On February 25, 1980, the Department of Defense announced that our inventory of 888 Weteye bombs, containing the nerve agent GB, would be retained in indefinite storage at Rocky Mountain Arsenal

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 12, Chemical Weapons, 5/78–11/80. No classification marking.

(RMA), Colorado. This decision reversed an announcement by the Army in May 1978 that the bombs would be moved to Tooele Army Depot in Utah.<sup>2</sup>

The decision to retain the bombs at either location was based on the significant and apparently growing Soviet capabilities in chemical warfare and the need to retain a credible deterrent to the use of chemical weapons against U.S. forces or those of our allies. The JCS have recently reaffirmed the military need for Weteye, the most modern aerial-delivered weapon in our chemical inventory, and one which is compatible with modern delivery systems. An additional and important reason for retention is that, in the complete absence of any NATO offensive chemical capability, tactical nuclear weapons might be the only available response to a Soviet/Pact first use of chemical weapons. These are the reasons not to detoxify (destroy) the bombs in place.

The decision to retain the Weteye bombs at Rocky Mountain Arsenal was based largely on the desire to avoid any hazard that would be associated with their movement. Although the Army, in coordination with the Department of Health, Education and Welfare, concluded that the bombs were safe to move, we decided that such a move was too risky to undertake, given the high public visibility and concern, because there would always be the possibility of accident or sabotage. Of course, such a possibility would be remote, but the consequences of an accident or sabotage could be extremely serious; if we decided to move them, those consequences would certainly be highly advertised. With planned improvements to the present storage site, retention at RMA represented the least risky alternative that would still allow for retention of the stockpile. (Other reasons for deciding to keep the bombs at RMA included RMA's capability to tap and drain leaking bombs, and the significant delays caused by litigation and preparation of environmental impact statements that a move to Utah would entail.)

Under Secretary Bill Perry has assumed personal responsibility to see that the Army takes every reasonable action to insure that the continued storage at Rocky Mountain Arsenal poses no problems to the health and safety of the people of Denver. There are no known leaking bombs at Rocky Mountain Arsenal at this time; all are stored in sealed, air-tight containers. The Army has already been authorized additional civilian spaces to increase the security guard force, and is undertaking all necessary measures to improve fencing, lighting, and other aspects of security at the facility. In the longer term, the site upgrade will include the construction of a new underground storage facility that will provide maximum safety and that would prevent danger to the adja-

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<sup>2</sup> See "Brown, in Shift, Will Keep 900 Nerve Gas Bombs," *New York Times*, May 19, 1978, p. A-12.

cent vicinity even in the event of an aircraft crash directly into the storage site. Senator Hart, Chairman of the Senate Armed Services Subcommittee on Military Construction, although he personally supports immediate detoxification, has pledged to work with DoD to provide the funds necessary to ensure that storage at RMA meets the highest possible standards of safety and security.

Other than urging immediate detoxification, Mrs. Schroeder has made other complaints and recommendations. She has proposed that the bombs be drained and subsequently refilled elsewhere. Unfortunately, it does not appear either timely or cost effective to pursue this suggestion. Approximately 5 to 7 years and \$16 million would be required to implement this proposal.

The storage facility at RMA will be needed until modern binary weapon systems are available to replace the Weteyes in our deterrent, retaliatory stockpile. Until a facility is built for the production of these weapons, I see no prudent option but to retain the Weteyes in the safest environment possible.

**Harold Brown**

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**124. Memorandum From Secretary of Defense Brown to President Carter<sup>1</sup>**

Washington, May 16, 1980

SUBJECT

Weteye Nerve Agent Bombs

This memorandum updates my 1 May memorandum to you<sup>2</sup> and summarizes recent discussions on the Weteye issue. These discussions have followed our notification to interested Committees of the Congress of the DoD decision to retain the Weteye nerve agent bombs at the Rocky Mountain Arsenal (RMA) in Denver, Colorado, rather than to move them to another location.

As you remember, the DoD decision was based on strong reaffirmation by the Services and the Joint Staff of the military need for the

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 12, Chemical Weapons, 5/78-11/80. No classification marking.

<sup>2</sup> Actually dated April 30; see Document 123.

bombs and the perceived small, but finite, risk to the public associated with the movement considering the high media attention that would be given to air movement and the possibility of a terrorist attack on an airplane as it was loaded at Stapleton Airport or as it took off. Retention at Rocky Mountain Arsenal is intended for a period of approximately four to six years, depending on the construction plan for the new binary facility. To ensure secure and safe storage of Weteye at RMA, we will invest approximately \$7 million to bring the storage sites up to the level of protection afforded nuclear weapons.

After the Congressional notification of the decision to retain the agent at RMA, Under Secretary Bill Perry discussed the issue with Congresswoman Schroeder, Senator Hart, Governor Matheson and others. With the exception of Congresswoman Schroeder, there has been to my knowledge no request for reexamination of alternative actions. Congresswoman Schroeder asked for discussion of the following four alternatives, which in one variant or another we had previously considered:

(1) Arrange to fly the Weteye bombs *covertly* from Stapleton Airport (to avoid alerting potential terrorists) to Dugway Army Depot, Utah and then transport them by ground to Tooele Army Depot, Utah.

(2) Transport the Weteye bombs from RMA to Buckley Airfield (an Air National Guard airfield near Denver) by truck; then in the more controlled environment associated with a military airfield, take off and fly to Dugway with ground transport to Tooele.

(3) Move Weteye by ground transport from RMA to Pueblo Army Depot, Colorado for permanent storage.

(4) Empty the Weteye bombs at RMA, detoxify the agent, retain bomb cases and reload and store at Tooele.

Let me briefly summarize my position on these four alternatives:

*Alternative (1).* In my opinion, the likelihood of *covert* movement of 14 aircraft loads of very conspicuous cargo from an area as populous as that surrounding RMA is very slight. Further, trying to convert into a covert action what has heretofore been an open, widely-debated issue is unlikely to succeed and more likely to simply exacerbate public opinion.

*Alternative (2).* This requires truck transport through populous areas, and appears to be even more susceptible to sabotage than the air transport from RMA.

*Alternative (3).* This requires road transport, again through populated areas, but over a considerably longer road distance than alternative (2). This appears to involve greater risk of sabotage, and when the move is complete, permanent storage will be at a place less acceptable than Tooele.

*Alternative (4).* This requires extensive investment, both in detoxification equipment not now at RMA, and in nerve agent loading equipment not now at Tooele. It would take almost as long to detoxify and rebuild the old bombs as it would to build new binary bombs to replace them.

In summary, let me emphasize that DoD is sensitive to the difficult military, environmental and political issues involved in retention of Weteye at RMA. Having spent considerable time and effort again reviewing the subject, I still believe that the most responsible position is to retain Weteye at RMA until the binary facility is in operation or conditions are more favorable for movement. There is *no* decision we can take without drawing significant opposition from some source. Changing our decision will please some, anger others, and make us susceptible to a charge of vacillation. Our best course of action is to stick with the decision we have made, which is most defensible from an objective viewpoint (because it minimizes the risk) and is no worse than other alternatives from a political viewpoint.

**Harold Brown**

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## **125. Editorial Note**

Per the instructions contained in telegram 109665 to London and other posts, April 26, 1980 (See Document 122), the Chemical Weapons Briefing Team briefed their North Atlantic Treaty Organization allies, as well as the Swiss and the Norwegians, in May 1980 about the alleged use of chemical weapons in Afghanistan and Indochina. The team subsequently informed the Department of State that the Europeans believed that the United States had not provided sufficient proof that the Soviet Union and/or its allies had used chemical weapons against civilians. Any investigation, the Europeans argued, should be undertaken either by the United Nations or by a group of Non-Aligned nations whose impartiality could be guaranteed. For more on the Europeans' misgivings, see telegram 9401 from Bonn, May 19, and telegram 2368 from Stockholm, May 23; National Archives, RG 59, Central Foreign Policy File, D800246-0547 and D800253-0469 respectively.

**126. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>**

Washington, May 24, 1980, 0551Z

136331. Subject: US–USSR Chemical Weapons Negotiations, Round Twelve: Guidance. Ref: A) Geneva 4710<sup>2</sup> B) State 39607.<sup>3</sup>

State CW Message No. 2

(C—Entire text)

2. This message provides general guidance for round twelve. Detailed responses to the questions posed Ref A are being provided separately in the guidance package,<sup>4</sup> which will be forwarded in the near future. Highlights are outlined below.

3. During round twelve the Delegation should continue the strategy contained in the guidance telegram for round eleven (Ref B). This strategy is to:

A. Continue to express US concern over reports of use of chemical weapons in Laos, Kampuchea and Afghanistan.

B. Emphasize the US hope that the pace of resolution of issues will be accelerated;

C. Continue to give priority attention to major unresolved issues; particularly verification-related issues (including declarations); and

D. Continue drafting in order to reaffirm and define precisely points thought to be agreed. (The Delegation should continue to be guided by the format and substance contained in the position summary provided to the Soviets during round nine.)

4. Key points in the guidance package:

A. A US proposal for possible agreed measures for moth-balling production and filling facilities is included;

B. A US proposal for a possible schedule for destruction of stocks has been developed;

C. Ideas for reaching a mutually agreed definition of the term “precursor” are provided;

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800254–0889. Confidential; Priority. Drafted by Robert Mikulak (ACDA/MA/AT); and approved by Keeny (ACDA), Oplinger, Manuel Sanches (JCS), Merle MacDonald (OSD), David Carlson (PM/CA), and Thomas Davies (ACDA/MA). Sent for information to Moscow, USNATO, London, Bonn, and Paris.

<sup>2</sup> In preparation for round twelve of the chemical weapons negotiations, the Embassy requested guidance from the Department of State regarding how chemical stocks would be verified and then destroyed. (Telegram 4710 from Geneva, March 24; National Archives, RG 59, Central Foreign Policy File, D800149–0856)

<sup>3</sup> See Document 108.

<sup>4</sup> Not found.

D. Previous guidance on challenge inspection procedures has been reviewed and reaffirmed.

5. The Delegation should endeavor to develop with the Soviets a progress report on the bilateral negotiations for presentation to the CD early this summer. The draft report should be transmitted for Washington review before presentation to the CD.

6. The Delegation should continue to brief allied representatives in Geneva during the course of the negotiations. In addition an offer should be made to hold quadrilateral consultations (US, UK, FRG, France) at a mutually acceptable time before the beginning of the next round.

**Muskie**

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## 127. Editorial Note

In the wake of the Soviet response about the alleged outbreak of pulmonary anthrax at Sverdlovsk (See Document 121), both the United States Senate and the House of Representatives called for further investigation into the incident in accordance with the 1972 Convention on Biological Weapons. ("Senate Resolution 405: Sverdlovsk Incident Regarding Biological Weapons, May 14, 1980, and "Report of a Subcommittee of the House Permanent Select Committee on Intelligence: Soviet Biological Warfare Activities, June 1980," in *Documents on Disarmament*, 1980, pp. 220; 239–243)

On May 28, 1980, Hodding Carter III, the Press Secretary of the Department of State, said in an official statement that "information at our disposal has raised serious questions and concerns regarding the nature of the outbreak of disease which occurred in Sverdlovsk in 1979. We have pursued this matter actively and seriously with the Soviet government through private diplomatic channels. As of this time, our concerns regarding that incident have not been alleviated, and we will continue to pursue this matter vigorously in accordance with the consultative procedures provided for in the Biological Weapons Convention." The text of Carter's remarks, as well as his replies to press questions, are in telegram 141594 to Moscow, May 30; National Archives, RG 59, Central Foreign Policy File, D800265–0009.



**128. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Washington, June 6, 1980, 1532Z

8006. Subject: US–USSR Chemical Weapons (CW) Negotiations, Round Twelve: Conversation With Soviet Amb. Israelyan. Ref: A) Geneva 7667,<sup>2</sup> B) Geneva 7925.<sup>3</sup>

CW message no. 8

1. (C—Entire text).

2. Summary. Soviet CD Rep Israelyan, who is heading the Soviet Delegation in the CW bilateral negotiations, sees no prospect of a breakthrough in the talks this year. He attributes the rigid Soviet stance to the general political atmosphere, exacerbated by the issue of the Sverdlovsk BW incident. He says the Soviets will want to study the implications of the results of the U.S. elections in establishing their future arms control policies. In the meantime, Israelyan hopes we can keep the CW talks alive by achieving agreement on several secondary issues where the positions of the two seem to be drawing together. End summary.

3. U.S. CW Delegation head Flowerree spoke privately with Soviet Del head Israelyan on June 4, continuing discussion of matters of mutual interest reported Reftel (A). On this occasion Israelyan's more interesting comments focused on CW issues and to some extent on BW (see Reftel B).

4. Flowerree began by asking Israelyan how he saw the current round of CW bilaterals developing and whether he saw any value in scheduling an additional round before the traditional January/February resumption date. Israelyan responded without hesitation saying there was "no possibility" of a breakthrough in CW this year. He said that during his recent discussions in Moscow he had talked about CW negotiations both in the Foreign Ministry (including a discussion with Gromyko) and in the Ministry of Defense. The attitudes he encountered were much harder than they had been in January (before the eleventh

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800277–0164. Confidential; Priority; Exdis. Sent for information to Moscow.

<sup>2</sup> Telegram 7667 from the Mission in Geneva, May 29, reported that the Soviets wanted to establish a CTB working group in the Conference on Disarmament. (National Archives, RG 59, Central Foreign Policy File, D800263–1044)

<sup>3</sup> In telegram 7925 from Geneva, June 5, the Mission in Geneva reported that Israelyan referred Flowerree to the May 1980 issue of the Soviet journal *Microbiology, Immunology and Epidemiology* that contained a "straight-forward discussion of the medical aspects of the outbreak of anthrax in Sverdlovsk." (National Archives, RG 59, Central Foreign Policy File, D800275–0129)

round), particularly in the MOD. As reported Reftel B, he had been struck by the anger of the military over the U.S. action in making public its version of the BW incident at Sverdlovsk. This reaction, Israelyan thought, was a factor in the hardening of the Soviet position on CW verification. Flowerree said this hardening had not escaped the notice of the U.S. Delegation. Israelyan went on to say that he had not been asked to give his views on whether the talks should be continued, but said that if he had, he certainly would have strongly urged that the USSR not move to break them off. He had the strong impression that Moscow was still firmly committed to the CW negotiations. He noted wryly that in comparison with MBFR we were making great progress; nothing had been put on paper in Vienna while there was ad referendum agreement on a number of draft elements for the CW initiative.

5. Israelyan continued by saying that the attitude in Moscow was such that no one believed there could be a CW agreement with the U.S. in the present climate, even if the Soviets were able to accept the U.S. position on verification 100 per cent. In his view there could be no change whatsoever in the Soviet position before the U.S. elections, the implications of which the Soviets will want to assess in establishing their future arms control policies. In these circumstances he thought the two Delegations should do what they could to continue movement in the negotiations on secondary issues where there was a possibility of agreement. Several such issues had already been raised in the bilaterals and he had been encouraged by the apparent drawing together of the positions of the two sides on these points. Israelyan concluded by saying that he hoped Flowerree would not recommend an interruption of the talks to his authorities in Washington.

6. Flowerree replied that he was going on the assumption that the bilaterals would continue but the failure to achieve any significant progress toward solving the major verification issues would inevitably make it more difficult for the U.S. to maintain unilateral restraint in its overall CW posture.

7. Israelyan also alluded to Soviet concern over how the U.S. would handle CW in the CD context. Flowerree said that the USDEL would not directly refer to the differences between U.S. and Soviet positions in the bilaterals, but as the Soviets knew from last year's experience with the Dutch questionnaire, the U.S. was prepared to make straightforward statements about its position on the issues. Israelyan did not comment on the question of CW use in Afghanistan and South-east Asia which had been raised most recently by the U.S. in the CW plenary of May 27.

**Helman**

**129. Summary of Conclusions of a Mini-Special Coordination Committee Meeting<sup>1</sup>**

Washington, July 9, 1980, 11:00 a.m.–12:00 p.m.

**SUBJECT**

Soviet Compliance with Biological Warfare Convention

**PARTICIPANTS***State*

Reginald Bartholomew Dir.,  
Pol-Mil Affairs Bureau  
Jerome Kahan Dep. Dir., Pol-Mil  
Affairs Bureau  
Stephan Ledogar Dir., Regional  
Pol-Mil Affairs European  
Bureau  
James Michel Dep. Legal Advisor

*Defense*

Walter Slocombe Dep. Under Sec.  
for Policy  
Sheila Buckley Dir. Negotiations  
Policy Office of Dep. Under  
Sec. for Policy

*ACDA*

Spurgeon Keeny, Jr. Dep. Director  
Admiral Thomas Davies Assistant  
Director  
Robert Mikulak Physical Science  
Officer Multilateral Affairs  
Bureau

*White House*

David Aaron

*NSC*

Major General Jasper Welch  
Marshall Brement

*OSTP*

Ben Huberman  
Peggy Finarelli

*DCI*

Ray McCrory Dir. Arms Control  
Intel. Staff

*JCS*

Lt. General John Pustay Asst. to  
the Chairman

It was noted that since the SCC meeting of March 14, 1980,<sup>2</sup> we have made two requests to the Soviet Union for information that might alleviate our concerns as to whether the incidents of anthrax in Sverdlovsk in April 1979 pointed to Soviet non-compliance with the Biological Warfare Convention. The Soviet replies were brusque,<sup>3</sup> asserting that though there were deaths due to anthrax, they arose through the consumption of diseased meat, and denied categorically that the Soviet Union was engaged in any activity which was not in compliance with the Biological Warfare Convention. (S)

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Brown Files—General #1, Biological Weapons. Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> See Document 112.

<sup>3</sup> See Documents 121 and 128.

The Soviet characterization of the event is not consistent with intelligence information which points to infection by the inhalation of anthrax spores (a well-known biological warfare agent) and to a quantity of agent that exceeds that permissible to be held for public health purposes under the Biological Warfare Convention. Moreover, the comportment of the Soviet Union has not been in accord with their responsibilities under Article V of the Biological Warfare Convention which provides for consultation and cooperation between parties to the Convention. (S)

The United States Government's disappointment with the substance and form of the Soviet replies has become public knowledge. Both the Congress, through resolutions by both houses, and the press have called for a more vigorous prosecution of our concerns to the Soviets. In recent weeks we have completed a thorough review of the intelligence data, consulted with the top experts in biological warfare and medical aspects of anthrax, and delivered to the Soviets the Congressional Resolutions.<sup>4</sup> (C)

It was agreed that the task at hand is to convince the Soviet Union that our concerns are real, that the issue will not go away, that our purpose is not to take advantage of them through propaganda as they claim, but to establish a constructive consultation to resolve the matter. (S)

The Director of Central Intelligence's representative pointed out that the Soviets have reason to suspect our motives: Our original *démarche* was almost a year after the incident, during a time of deteriorating US-Soviet relations over Afghanistan, and during the Biological Warfare Convention Review Conference, but within a week after the intelligence community came to a formal determination based on evidence that dribbled in over the year. Our *démarche* was leaked before the Soviet response could be formulated. (U)

There is some evidence from US-Soviet conversations that they realize it is to their advantage to resolve the issue. But they are now stuck with their infected meat story which is also the story they used at the time with their own people. It is entirely possible that the infected meat story is true but that something else happened as well. (S)

Most of our information is derived [2 lines not declassified] is reasonably self-consistent, logical, and in accord with known medical features of anthrax. However, [less than 1 line not declassified] is in all cases at least second-hand, in some cases clearly fed by a commonly held body of rumor in Sverdlovsk; [2 lines not declassified]

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<sup>4</sup> See Document 127. Christopher discussed the Sverdlovsk incident with Dobrynin on July 10 (see Document 130) but did not mention the two congressional resolutions.

It was agreed that the Soviets have probably not yet told us the whole truth, but that we will have some difficulty in establishing a violation of the terms of the Biological Warfare Convention related to holding those stocks of biological warfare agents for two reasons. First, the Convention provides a loophole by allowing stocks for public health purposes. The amounts allowed under this provision were not nailed down during the Convention negotiations, and the amounts needed to produce the deaths in Sverdlovsk are uncertain because of our uncertainty as to number and geographical distribution of the victims, meteorological conditions and the details of the release of anthrax spores. Second, we will be inhibited in the way in which we can use our intelligence information, some of which is sensitive. (S)

It was agreed that our appropriate next step is to approach the Soviets at a high level and tell them that their current stance is unsatisfactory, that the problem will not go away unless they change, but it is our desire to resolve this in consultation with them, and that we are obliged to pursue the matter outside bilateral channels unless they are forthcoming. (S)

It was agreed, *ad referendum* to Secretary Christopher, for Christopher to give Dobrynin the political message tomorrow, July 10, 1980, with the detailed *démarche* by Ralph Earle to Dobrynin as a follow-up. (S)

It was agreed that: (1) we would not commit ourselves at this time to approach the UN Security Council as provided by the Biological Warfare Convention as a fall-back to bilateral consultation; (2) we would focus our *démarche* on the lack of consultation and cooperation rather than any accusation of non-compliance; (3) we would prepare a white paper for possible public use and circulation to other parties to the Biological Warfare Convention if the Soviet response is unsatisfactory. (S)

It was agreed that our objectives are to demonstrate our support for arms control and to deter violations of even weakly verifiable arms control agreements by demonstrating our willingness to raise questions of non-compliance when we have them. (U)

It was noted that our current efforts to publicize our concerns about the possible use of chemical warfare agents by the Soviet Union in Afghanistan and by their allies in Southeast Asia will inevitably be coupled, by timing if nothing else, with our handling of this biological warfare issue. It was nonetheless agreed that we should pursue the course outlined above. (C)

130. Memorandum of Conversation<sup>1</sup>

Washington, July 10, 1980

## SUBJECT

BW: The Sverdlovsk Incident

## PARTICIPANTS

*US*

The Acting Secretary  
 PM—Reginald Bartholomew  
 S/MS—Marshall Shulman

*USSR*

Ambassador Anatoliy Dobrynin

Toward the end of a discussion on TNF, the Acting Secretary mentioned that he had one other matter to raise. This concerned the outbreak of anthrax in Sverdlovsk last spring.<sup>2</sup> The Acting Secretary said that we felt that we hadn't been able to engage the Soviet Government on this matter to the extent its seriousness warranted. He noted that Ambassador Earle would meet with Dobrynin to discuss this issue in some detail.<sup>3</sup>

Dobrynin responded by questioning what it was the US wanted, since this was not clear. He noted that the Soviets have already given us an explanation of this incident.<sup>4</sup>

The Acting Secretary again stressed the seriousness we attach to engaging in bilateral consultations so we could satisfy ourselves on this issue, and not permit this question to undermine the BW Convention or damage prospects for arms control generally.

Dobrynin reiterated that they have given us what they have on this matter, and that the Soviets have not seen anything from us that would contradict their explanation. He said that our goal should be preserving the Convention and prospects for arms control. Dobrynin again stressed that what they have heard was based on hearsay, and that if we have anything else more to say in terms of evidence or proof would we please tell them.

The Acting Secretary replied by stressing that Ambassador Earle will provide information that will underline the seriousness of our concerns.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Office Institutional File, Box 42, INT Documents: #4200s: 7/80. Secret; Nodis. Drafted by Bartholomew. In the upper right-hand corner of the memorandum, Brzezinski wrote, "M[arshall] B[remer], Next step? ZB."

<sup>2</sup> See Document 114.

<sup>3</sup> See Document 131.

<sup>4</sup> See Document 116.

Due to the press of vacation plans, Dobrynin suggested that Ambassador Earle see Vasev instead and give him a paper, which Dobrynin would then make certain is dealt with in Moscow. Dobrynin stressed that he needed to take something back with him.

The Acting Secretary repeated that this was a serious political matter, that Ambassador Earle had important things to say about this question, and that Dobrynin should definitely try to see Earle before returning to Moscow.

Dobrynin said that he understood the seriousness of this issue, but suggested that it reflected domestic American election-year politics. But he asked whether we really had something to say. If so, this would be good. But he did not want to discuss just anything on this issue in a general fashion. People in Moscow are critical of the way in which this issue has been the subject of rumor, hearsay, and press reports.

The Acting Secretary said that this issue would be every bit as serious to the USG if we were now in the first year of this Administration instead of the fourth year. He suggested the possibility that the issue might be addressed by distinguished scientists from each country.

Dobrynin repeated again that up to now there has been no proof, and there have been indirect discussions in the scientific community which have caused a chain reaction. There has not been a single additional fact but only hearsay.

The Acting Secretary concluded this portion of the conversation by urging Dobrynin to see Ambassador Earle on the BW question.

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### **131. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>**

Washington, July 12, 1980, 0037Z

182944. Geneva for Ambassador Flowerree. Subject: Earle-Dobrynin Meeting on BW, July 11.

1. Secret—Entire text.
2. Summary: ACDA Director Earle called in Dobrynin to present him with a paper expressing our dissatisfaction with Soviet responses

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 110, SCM 137, Mini-SCC Sverdlovsk, 7/29/80. Secret; Priority; Nodis. Sent for information to the Mission in Geneva, USNATO, London, Bonn, Paris, and the White House. Printed from a copy that indicates the original was received in the White House Situation Room.

to our previous démarches on BW and urging consultations of Soviet and US experts. He stressed that we were open to Soviet suggestions as to how serious and meaningful consultations could be carried out. Dobrynin recalled that the Soviet Government had given a formal reply<sup>2</sup> to our earlier démarches and reviewed the previously stated Soviet arguments. However, he promised to forward our démarche to Moscow and said that either he or the Soviet Chargé would get back to Ambassador Earle with a reply. End summary.

3. In a meeting on July 10<sup>3</sup> Acting Secretary Christopher emphasized to Dobrynin the seriousness with which the US Government approaches the Sverdlovsk incident and our dissatisfaction with the failure of the Soviet Government to cooperate. He stressed that failure to resolve the issue could not only propagandize the Biological Weapons Convention itself, but also the prospects for making progress in other arms control areas. The Acting Secretary told Dobrynin that Ambassador Earle would contact him to pursue the matter in more detail, and he urged Dobrynin to see Earle despite Dobrynin's crowded schedule prior to departure for Moscow.

4. Ambassador Earle, referring to Dobrynin's meeting the previous day with Acting Secretary Christopher, said he had a statement to convey to Dobrynin on the BW question. He stressed that this was an unwanted problem for us and that our purpose was to clear up ambiguities in a responsible fashion, not to make propaganda. Ambassador Earle then read the following statement: Begin text:

—On several recent occasions, the United States Government has raised with the Soviet Government the matter of an extensive outbreak of anthrax in Sverdlovsk in the spring of 1979 pursuant to Article V of the Biological Weapons Convention.

—The United States Government has studied carefully explanations which were provided to US earlier by the Soviet Government. As well as information contained in a May 1980 article in a Soviet scientific journal.<sup>4</sup> The explanation that the reported cases of anthrax were of the gastrointestinal form and were caused by consumption of meat from anthrax-infected cattle has left the questions of the United States Government unanswered and consequently our earlier concerns remain.

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<sup>2</sup> See Document 116.

<sup>3</sup> See Document 130.

<sup>4</sup> See footnote 3, Document 128.



—In this situation, it is clear that our two governments continue to face a significant unresolved problem having important future ramifications for both of our countries.

—The United States ascribes great importance to this issue and to achieving a mutually satisfactory resolution of the problem. I wish to state categorically that the United States seeks a serious and responsible resolution which will enhance confidence in the Biological Weapons Convention by ensuring the full realization of its undertakings, since failure to achieve such a result would both undermine the Convention and unavoidably result in complications for future US–Soviet cooperation in the vital sphere of arms control. The United States believes this should be a common objective for both the Soviet Union and the United States.

—To achieve a satisfactory outcome, it is essential that the key parties concerned, the United States and the Soviet Union undertake cooperative steps which assist each other in solving this problem. Such consultation and cooperation must involve serious and meaningful dialogue so that concerns can be examined carefully. That is clearly what is called for in the provisions for consultation contained in Article V of the Biological Weapons Convention. The circumstances surrounding the outbreak of the disease at Sverdlovsk raise questions within the context of the Biological Weapons Convention. The United States government is aware that outbreaks of anthrax occur naturally in the Soviet Union. However, there is information available to us which causes concern regarding the outbreak at Sverdlovsk. This information indicates that:

During the first weeks of April 1979, a number of people died in Sverdlovsk from a disease with symptoms characteristic of inhalation, as distinct from intestinal or cutaneous, anthrax. The inhalation form of anthrax is extremely rare and reported incidents involve only a few cases. (In the past, the anthrax organism has been widely considered a potential biological warfare agent in part because of its potential for causing casualties among those who inhale airborne spores.)

The number of deaths appears to have been large and far greater than would be expected for a natural outbreak of any form of anthrax;

The initial victims resided or worked in the immediate vicinity and downwind from a heavily secured military facility in Southwest Sverdlovsk, known as Cantonment 19;

The facility includes animal pens, suggesting it is engaged in activities involving effects on living organisms;

Revetted structures which appear to be suitable for the storage of explosives are also present within the facility;

The section within the Soviet military which is responsible for chemical and biological programs is associated with a facility in Sverdlovsk;

At a certain stage in the outbreak, civilian medical personnel were excluded from the hospital where victims were being treated and the military assumed exclusive control.

—The United States Government believes that the concerns based on this information make it necessary for the US and USSR to consult in accordance with the provisions of Article V of the Biological Weapons Convention.

—In an effort to clarify the circumstances surrounding the spring 1979 anthrax outbreak, and in accordance with Article V of the Biological Weapons Convention, the United States Government proposed on March 23 that confidential bilateral discussions be held in which Soviet and American scientific and medical specialists would participate. This proposal was based on the proven value of discussions among experts in resolving questions of great complexity and sensitivity in the SALT Standing Consultative Commission. The United States Government continues to believe that confidential consultations on this problem, similar in nature to those conducted in the Standing Consultative Commission, would provide the best approach for resolving this matter in a mutually satisfactory manner.

—The United States Government envisages that such consultations would include consideration of the following subjects, together with appropriate documentation:

The nature of the disease involved;

The cause of the outbreak;

The number of people affected, the geographical extent and the duration of the outbreak;

Background information, particularly with respect to normal incidence of anthrax in Sverdlovsk.

—The United States Government recognizes that arrangements for consultations must be worked out in a mutually agreeable fashion. For this reason, we would be open to your suggestions as to how these serious and meaningful consultations could be carried out.

—The United States Government is mindful of the fact that our two countries were leaders in negotiating the Biological Weapons Convention and encouraging worldwide adherence. The Convention now has more than 80 parties who share a stake in the successful realization of its objectives, including the implementation of its provisions for cooperation and consultation.

—It is therefore now incumbent upon the United States and the Soviet Union to demonstrate that our two countries are able cooperatively to resolve a serious problem, as they have undertaken to do in the Biological Weapons Convention. In view of the importance the United States Government attaches to this matter, the Soviet Government

should understand that the United States will pursue this issue until a satisfactory resolution can be achieved, either through bilateral consultations or any other means which may be necessary to meet our responsibilities, including those to the other parties to the Convention. The United States Government prefers to pursue this matter through bilateral consultations and cooperation. To this end, it has approached the Soviet Government on this matter a number of times. If the possibility of resolving this bilaterally is to be preserved, the United States and Soviet Governments must begin consultations without further delay.

—A cooperative resolution of this problem would not only strengthen the Biological Weapons Convention itself, but would be a positive development for arms control and disarmament. The United States Government looks forward to hearing the views of the Soviet Government on how their two countries may best go about seeking a mutually satisfactory resolution of this important matter. End text.

5. After he had read the statement (a copy of which we handed Dobrynin), Ambassador Earle said he wished to stress several points: first, this was not an issue which would go away. He noted that resolutions had been passed in both houses of Congress which, while not legally binding on the President, constituted a serious expression of congressional concern. Ambassador Earle noted that the uncertainty regarding what had really happened in Sverdlovsk would be a festering sore on all arms control accords and negotiations until this problem was resolved. The situation was bad enough without having the additional burden of the suspected BW violation.

6. Ambassador Earle stressed that we were open minded on the form which discussions might take. We preferred that they be private and on a bilateral basis. In any event, we were open to Soviet suggestions. He noted the similarity between our proposal for consultations on BW and the SCC established in the ABM Treaty and read the text of Article 5 of the BW Convention as well as the article on the SCC in the ABM Treaty to prove his point that they envisaged essentially the same kind of arrangement. He noted that the work of the SCC had been effective and helpful. What we wanted was a dialogue along these lines. In effect it would be an ad hoc consultative group. We were prepared to begin meeting as early as the first week of August. The longer the present ambiguous situation continued the greater would be the damage to arms control and to our relations. Ambassador Earle concluded his presentation by noting that if we were able to resolve the BW problem, we could come out of the entire situation with a net plus for arms control in general. In any case our intention was positive. We certainly had no desire to undermine arms control.

7. Dobrynin replied that the Soviets had explained their position many times both here and in Moscow. He thought it was not necessary

to quote all the arguments. The Soviets felt that our raising of the issue was artificial and did not have anything to do with the aim of the BW Convention. Dobrynin claimed that during the congressional hearings one of the witnesses called as an expert could not even explain the symptoms of anthrax.

8. Ambassador Earle noted that the witness in question was not one that we were responsible for and that nothing in our statement today had as its basis the report of the Aspin committee.<sup>5</sup>

9. Continuing, Dobrynin claimed there was no hard evidence of any violation. All was hearsay. The Soviets could manufacture such hearsay themselves if they wanted to. He asked what a commission to investigate the problem could usefully do. When Ambassador Earle suggested that, for instance, it could establish how many casualties there had been, Dobrynin argued that they had already given these facts to US. They said there were very few but we claimed there were more, several hundred in fact. With SALT, verification could be carried out with satellites. This was not possible with BW. Agreeing that there were indeed different kinds of anthrax, Dobrynin nevertheless argued that the head of the America desk at the Foreign Ministry in Moscow, Viktor Komplektov, who was a very responsible official, on the presidium of the MFA in fact, had given US a complete official explanation. Our persistence was undermining confidence in the adherence to treaties. Dobrynin challenged US to document that the Soviets had violated any treaties in the past. He further argued that the leaks which followed the raising of the issue by the administration showed our propaganda purpose.

10. When Ambassador Earle continued to stress the utility of resolving our concerns through consultation, Dobrynin recalled that the Soviets had invited American scientists to Moscow to examine the radiation problem at the US Embassy.<sup>6</sup> Our scientists had gone to Moscow but they had refused to join in a statement with the Soviets on their common conclusions. Dobrynin asked what could be usefully discussed in the present case. The Soviets had given their explanation already.

11. Ambassador Earle noted that this was not the case. The Soviets had given US conclusions, not facts. When Dobrynin pressed him to give an example, Ambassador Earle suggested that evidence and documents might be examined to resolve the disparity over how many people had contracted anthrax. Again stressing that the problem was a

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<sup>5</sup> Reference is to the Aspin Committee Report, otherwise known as "Report of a Subcommittee of the House Permanent Select Committee on Intelligence: Soviet Biological Warfare Activities, June 1980," in *Documents on Disarmament*, 1980, pp. 220; 239–243.

<sup>6</sup> Not found.

genuine one which would not go away by itself, Ambassador Earle pressed the argument that the Treaty itself provided for a cooperative resolution to problems such as the one we were faced with.

12. Dobrynin repeated that the Soviets had already replied. He claimed we were pressing the issue for propaganda purposes. Ambassador Earle denied that this was true and said that he was quite pleased that news accounts of his meeting with Dobrynin had speculated that they were talking about TNF, not BW. He said he hoped that this meant that the real purpose of their meeting would remain confidential. He again emphasized the considerable care we had taken in drawing up the points in our statement. We had reviewed the Soviet statements but were left with concerns which we wanted to resolve, if possible, by a low-key, confidential discussion of the matter among experts.

13. Dobrynin, noting for one last time that the Soviets had already given US their official views on the matter said he would nevertheless report our statement to Moscow and promised that either he or, in his absence, Chargé Vasev, would get back to Ambassador Earle with a reply.

14. Septel will provide instructions for briefing allied governments.<sup>7</sup>

**Christopher**

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<sup>7</sup> The Department of State informed the Allies of the démarche in telegram 187763 to USNATO, July 16. (National Archives, RG 59, Central Foreign Policy File, P880026–1535)

### 132. Memorandum From the Joint Chiefs of Staff to Secretary of Defense Brown<sup>1</sup>

Washington, July 15, 1980

Subject

US Chemical Warfare Policy and Retaliatory Capability (U)

1. (S) The Joint Chiefs of Staff are concerned that the Soviet Union has not matched the restraint shown by the United States in modernizing CW capabilities nor the efforts of the United States to negotiate a meaningful CW treaty. To the contrary, the Soviets not only have developed an extensive CW capability, but continuing reports indicate that they also have employed riot control and incapacitating agents (and possibly lethal agents) in Afghanistan. Their apparent willingness to employ chemical weapons is in complete disregard of internationally recognized principles to which the Soviets publicly subscribe. The Joint Chiefs of Staff view the Soviet actions in Afghanistan, following the apparent and unchallenged use of chemical weapons by the Vietnamese in Laos, as part of a developing pattern by the Soviet Union and its surrogates to employ these weapons at low levels of conflict.<sup>2</sup>

2. (S) These factors present a serious threat to US security interests, given the marginal capability of the United States to conduct CW operations and the reluctance of the Soviets to negotiate an equitable, verifiable ban on the development, production, and stockpiling of chemical weapons. The Soviets respect strength and exploit weakness. They know that the United States and NATO are comparatively weak in the area of CW. Gradually improving US chemical defense posture provides little, if any, deterrence to Soviet use of chemical weapons. Even a near-perfect defense probably would not<sup>3</sup> deter Soviet use of chemical agents because of the significant military advantage of placing an opponent in a CW environment. Until the United States demonstrates that it has an effective CW retaliatory capability, combined with a viable defense, the Soviets are not likely to be restrained from using chemicals in any future conflict. The almost nonexistent US offensive capability,

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 61, Biological/Chemical Warfare. Secret. In the upper right margin, Brown wrote "7/15—Good argument. Perhaps best handled by supporting [illegible] add-on, without at this time changing *policy*. (since the 3.1M merely puts US in position more to construction of binary production facility. [illegible] HB."

<sup>2</sup> At the end of this paragraph, Brown wrote "Our degree of certainty is not very great (about Sov use in Afghanistan—somewhat greater re SEA)."

<sup>3</sup> In between "not" and "deter," Brown wrote "alone."

coupled with a severely limited defensive capability, is, in fact, seriously destabilizing.

3. (S) Considering the asymmetry between the US and Soviet chemical warfare posture, as well as the current tactical nuclear balance, the Joint Chiefs of Staff believe that the President should have a credible chemical response option to Soviet use of offensive chemical weapons—especially if the Soviets selectively employ chemical weapons against a few critical targets. Nuclear retaliation, in itself, is a questionable and possibly an undesirable CW deterrent due to the unknown level of the Soviet nuclear and chemical response to US use of theater nuclear weapons. For this reason, it is necessary to pursue a vigorous program that provides measurable and visible evidence of the US resolve to field a CW retaliatory capability. The development of a safe—and a politically more acceptable—binary weapons stockpile should be the first major step in this direction.

4. (S) The Joint Chiefs of Staff recommend that positive steps be taken now to develop a credible US CW retaliatory capability. They further recommend that a memorandum, substantially like that in the Appendix,<sup>4</sup> be forwarded to the President requesting that US policy be changed to permit immediate modernization of the US CW retaliatory capability. Binary munitions represent the most reasonable option for insuring a credible retaliatory capability in support of the national policy of deterrence. In this regard, you may wish to recommend to the President that he support the action by the House of Representatives of adding \$3.1 million to the FY 1981 budget for construction of a chemical munitions binary facility.

For the Joint Chiefs of Staff:

**David C. Jones**

*General, USAF*

*Chairman, Joint Chiefs of Staff*

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<sup>4</sup> The appendix was not attached.

**133. Memorandum From Marshall Brement of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, July 16, 1980

SUBJECT

Sverdlovsk: Next Step (U)

Regarding your question (Tab A),<sup>2</sup> the next step is to await the Soviet response, which will presumably be negative. The story in today's *New York Times* (Tab B)<sup>3</sup> will confirm their judgment that this is a propaganda ploy and they will almost certainly continue to stonewall. (U)

Meanwhile, ACDA is working on a White Paper which we would issue if the Soviet response is unsatisfactory. The problem with this is that the White Paper will not be an entirely convincing document, at least in a court of law, particularly after sensitive information has been scrubbed from it by the intelligence community. In any case, other governments will probably not be convinced enough by it to take action condemning the USSR. We then will have to decide whether we want to go to the Security Council with our case or take it to some other multilateral forum. (C)

At that point we will also have to decide whether we can continue to adhere to a treaty which is being violated flagrantly by the USSR. (Although there remains at least a modicum of doubt about whether the Soviets are stockpiling BW materials, they clearly have failed to comply with Article 5 of the BW Convention, which calls for consultations.) To renounce the Convention would be a difficult step for us to take, but to adhere to it in the face of a flagrant violation would not do the cause of arms control any good either and would be difficult politically as well. Before we make up our minds as to our ultimate strategy, we should probably first examine the White Paper, which ACDA promises will be ready by the end of next week. (S)

Oplinger concurs, but believes we can produce a White Paper which, without needlessly spilling intelligence sources, can make a compelling case that the Soviets are in violation of Article 5, perhaps sufficient to get other governments to condemn them on those

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 110, SCM 137, Mini-SCC Sverdlovsk, 7/29/80. Secret. Sent for information.

<sup>2</sup> Tab A was not attached.

<sup>3</sup> Tab B is not attached. Reference is to "Toll is Put at 1,000 in Soviet Accident," *New York Times*, July 16, 1980, which described the Sverdlovsk incident.



grounds. If we cannot do that much, clearly we cannot sustain a charge of a substantive violation in the Security Council or elsewhere. (C)

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### 134. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>

Washington, July 18, 1980, 2021Z

189291. Geneva for Ambassador Flowerree. Subject: Soviet Response to U.S. Démarche on Sverdlovsk Incident.

1. S—Entire text.

2. Summary: Soviet Chargé Vasev came in with a reply to Ambassador Earle's démarche of July 11,<sup>2</sup> to Dobrynin requesting consultations under the BW Convention on the reported incidence of anthrax at Sverdlovsk. Vasev said he had been instructed to confirm that the Soviet side considered the allegations completely unfounded, that there had been no violation of the BW Convention and that there was consequently no basis for consultation. Ambassador Earle regretted that the Soviet reply had not addressed the factual information we had conveyed and cautioned that, since the problem would not go away, we would have to continue pursuing the matter by other means which would probably include the participation of other parties. End summary.

3. Saying that he was speaking on instructions, Vasev delivered the following "oral reply" on July 17:

"In view of repeated requests of the American side the Embassy has been instructed to confirm once again that the Soviet side considers as completely unfounded allegations which try to establish some sort of connection between an outbreak of anthrax in the region of Sverdlovsk in April 1979 and the compliance by the Soviet Union with the Convention Prohibiting Bacteriological Weapons.

"The Soviet Union, as one of the initiators of and participants in the Convention, has always attached the utmost importance to the un-deviating fulfillment of all its provisions which represent a major meas-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 83, USSR: 7/11–31/80. Secret; Priority; Nodis. Sent for information to the Mission in Geneva, USNATO, London, Bonn, Paris, and the White House. Printed from a copy that indicates the original was received in the White House Situation Room.

<sup>2</sup> See Document 131

ure in the field of real disarmament and the effective prevention against making and storing types of weapons of mass destruction lethal for mankind. We have already emphasized that the fulfillment by the Soviet side of obligations established by the Convention is guaranteed by the appropriate state institutions of the USSR and that the Soviet Union does not possess bacteriological (biological) agents, toxins, weapons or equipment and means of delivery as mentioned in Article I of the Convention.

"Besides, in view of the request made by the American side concerning information on the causes of an outbreak of anthrax in the region of Sverdlovsk in April of last year the Soviet side has communicated the fact that the outbreak was a result of periodic livestock epidemics in those regions and that the cases of human illness were due to the consumption of cattle meat sold in violation of established veterinary rules. This communication was based on data from the epidemiological service furnished in particular by the magazine "Microbiology, Epidemiology, and Immunology" (May 1980 issue).

"The stated facts show that the incident concerning anthrax in the region of Sverdlovsk is completely within the realm of veterinary and public health and does not touch upon any matter relating to the aims or observance of the Convention banning bacteriological weapons as mentioned in Article V.

"It is noted with bewilderment and regret how irresponsibly some American officials make public statements obviously trying to cast a shadow over the faithful fulfillment by the Soviet Union of its treaty obligations. The obviously inspired clamor in the American mass media around this contrived problem is also noted.

"The Soviet side reaffirms that there is no basis for consultations within the context of Article V of the Convention on the banning of bacteriological weapons". End text.

4. In the discussion which ensued, Ambassador Earle regretted the Soviet disregard of our *démarche* which had furnished detailed information underlying our concern over compliance. He noted the Soviets had not addressed themselves to the information in our paper. Referring to his conversation with Ambassador Dobrynin last Friday, Ambassador Earle reiterated his concern that the Soviet unresponsiveness would cast a shadow over both our bilateral relations and the multilateral arrangement created by the Convention. Noting that we had not accused the Soviets of a direct violation, he stated our purpose as seeking to raise in a diplomatic and noncontentious way a mutual problem which called for consultation under Article V of the Convention. He added that we were open to Soviet suggestions on the form such consultations might take. This was our preferred course. However, Ambassador Earle cautioned, the problem would not go away

and if necessary we would be obliged to deal with it by other means which would include the involvement of other parties.

5. Vasev denied that the substance of the US *démarche* had been ignored. He said the Soviet side had studied our paper carefully and reviewed the situation. The Soviets did not possess any biological agents, weapons, or means of delivery. Their explanation of what happened in Sverdlovsk had been based on data furnished by medical experts. Nothing more was required since Article V did not cover matters of public health and sanitation. Vasev charged that we were pursuing psychological warfare against the Soviets and referred to recent newspaper articles based on *émigré* sources.

6. Ambassador Earle pointed out that we could not let the issue be resolved by a flat Soviet statement. He referred to the information we had supplied in our paper, noting that many of the points had not been based upon *émigré* sources. Vasev responded that the heart of the matter was simply that the Soviets had given us a complete explanation.

He claimed we were indulging in rumors and psychological warfare. Ambassador Earle again stressed the applicability of Article V, quoting from it directly to make his point. He noted that as a co-depositary of the Convention we had responsibilities to insure its observance. Vasev again stressed that the Soviets found no basis for consultation under Article V. After Ambassador Earle had denied a final time Vasev's charge that our purpose was one of propaganda, Vasev said he had nothing to add and the meeting ended.

7. Septel will contain instructions for briefing allies.<sup>3</sup>

**Christopher**

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<sup>3</sup> The Department of State informed the Allies of the Soviet response to the *démarche* in telegram 189481 to USNATO, July 19. (National Archives, RG 59, Central Foreign Policy File)

135. Memorandum for the Record<sup>1</sup>

Washington, July 31, 1980

## SUBJECT

Mini-SCC Meeting—Sverdlovsk (C)

A Mini-SCC on the possible BW incident at Sverdlovsk, USSR, was held from 1000–1130 on July 29, 1980.<sup>2</sup> The purpose was to discuss possible options open to the U.S. in view of the recent Soviet rejection of the third U.S. request for information on this matter.

D. Aaron (Chairman) opened by asking for a review of the adequacy of the U.S. case, not from the perspective of what we believe happened but how well we could defend ourselves publicly on that case, especially if we decided to react by taking public steps such as submitting our case to the UN, withdrawing from participation in treaty, etc. S. Keeny (ACDA) led response, pointing out that we do have some problems with the case, especially regarding releasability of information [*less than 1 line not declassified*]. A classified white paper is being prepared in ACDA which will primarily consist of assertions without evidence. Keeny pointed out that soft spots in our case include

[*5 lines not declassified*]

Aaron summed up this phase of the discussion by noting that we do not have as much assurance as we would need that there was a BW violation; the most we can say with assurance is that the Soviets have failed to be forthcoming on a serious matter. Bartholomew (State) added that we can at least say we have enough evidence for legitimate concern; there was general agreement on this. W. Slocombe (OSD) argued that the focus of our case should be Soviet refusal to cooperate in resolving the problem.

The discussion shifted to what actions the U.S. should take. Slocombe argued that we should continue to press the Soviets along the line we have already, at least in the short term until the UNGA in September. The Soviets are resourceful enough to creatively change their line if we put them on notice that this is a very serious matter to us, that their stone-walling behavior jeopardizes further arms control agree-

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Brown Files—General #1, Biological Weapons. Secret. Copies were sent to Komer, McGiffert, Slocombe, Davis, and Buckley. Prepared by Weakley; and approved by Slocombe. A hand-written note under the date reads “Walt—This is a good outcome. Well done—Lynn.”

<sup>2</sup> No minutes or summary of conclusions of this meeting were found.

ments, and that we take cooperation in verifying arms control agreements very seriously. Bob Barry (State EUR) said Soviets would never go beyond their current position. A discussion ensued about what we could realistically expect if we did cause the Soviet side to be more forthcoming, how much leverage we can hope to exert, and the options available for exerting such leverage. Consensus was that we want to deter Soviet pursuit of BW, avoid damage to arms control generally—and that a fuller explanation and corrective action would help on both scores, but that a good deal of damage had already been done.

Aaron summarized and cited tasks ahead.

—First, proceed with preparation of the White Paper (ACDA). We can then estimate its usefulness and decide what to do with it.

—Go to the British; get them to weigh in. (Also use presentation to them as a test case of the persuasiveness of our evidence to a sympathetic audience.) (State put together a proposal; will pass staff analysis to them as soon as possible [*less than 1 line not declassified*]).

—Pursue another démarche, either in Washington or Moscow, as described above. Emphasize we want an answer at the senior political level. (State to circulate proposal).

—[2 lines not declassified]

—Explore possibility of using the incident as a vehicle for proposing to amend and clarify the verification and permitted quantity clauses if we have to go multilateral. (ACDA).

**Robert M. Weekley**

*Colonel, USA*

*Assistant for Negotiations ODUSD (Policy Planning)*

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### **136. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, August 14, 1980, 1549Z

11024. Subject: US–USSR Negotiations on Chemical Weapons (CW): Summary of Developments.

CW message no. 17

1. (C—Entire text).

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800387–0723. Confidential; Priority. Sent for information to Bonn, London, Moscow, Paris, and USNATO.

2. Summary. Round twelve of the US-USSR negotiations on Chemical Weapons (CW) began on May 22 and ended July 7. In a sense, they also extended beyond the formal closing date almost until the end of the 1980 session of the Committee on Disarmament (CD) on August 9, since the two Delegations had a number of private exchanges in connection with the work of the CD's working group on CW. The pace of round twelve was fairly intensive, especially prior to the opening of the CD session June 12. The substantive results, however, were quite meager. In the crucial area of verification, the Soviets—while professing willingness to continue the search for mutually acceptable solutions—made it even clearer that they were not prepared to move from their present basic position. Some progress was achieved on a few secondary issues, but it was not sufficient for a full resolution of those issues. Considerable time and effort were expended on the preparation of the joint report to the CD. In general, it was evident that the Soviets did not expect any major advance in the negotiations during this round. End summary.

3. During round twelve of the US-USSR negotiations on CW, eight plenaries and nine drafting group meetings were held, most of them prior to the opening of the CD session. Coordination of the joint report to the CD required a number of additional meetings, outside the regular plenary or drafting group framework.<sup>2</sup> The two Delegations also had several private discussions after the formal closing of round twelve, in connection with the work of the CD's working group on CW.

4. Despite the tensions in U.S.-Soviet relations, the atmosphere in the bilaterals was business-like. Soviet responses to USDel comments regarding reported use of CW were also couched in non-polemical terms. Throughout the round, and especially during the work of the CD's working group on CW, the Soviets displayed visible concern about preventing discussions in that group from exposing the weakness of their position, in particular on verification. Although they were clearly unhappy that we remained unresponsive to their attempts to engage US in joint efforts to circumscribe those discussions, this did not affect their working relationship with U.S.

5. The substantive results of round twelve were mixed, with the negative balancing out the positive.

A. The Soviets showed some flexibility on several secondary issues, but fell short of providing adequate basis for complete agreement on any of them. Specifically, they:

(1) Agreed to specify the maximum aggregate annual capacity (one metric ton) of a single facility for the production of super-toxic le-

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<sup>2</sup> The joint US-USSR report is in telegram 8409 from the Mission in Geneva, June 16, 1980. (National Archives, RG 59, Central Foreign Policy File, D800294-0225)

thal chemicals for non-hostile military purposes, but expressed a negative attitude towards other U.S. proposals related to this issue;

(2) Agreed that, subject to contrary decision by the first Revcon, the use of super-toxic lethal chemicals in training should cease at the time of such a conference—however, they did not accept the U.S. view that the limitation should also cover other toxic chemicals;

(3) Moved from their stand of total opposition to the inclusion of toxins in the coverage of a CW ban, but remained unwilling to include all toxic chemicals regardless of origin (see para B(1) below);

(4) Implied that destruction of stocks could be subject to OSI procedures similar to those offered by them in round nine for destruction of facilities, i.e., notification 90 days in advance of specific destruction operations and possibility of requests for OSI;

(5) Agreed to exclude from the coverage of a CW ban munitions and devices for dissemination of irritants—see, however, para B(2) below;

(6) Agreed to include in the general information on stocks to be exchanged bilaterally the quantitative category of “over 150,000 tons” and to having such exchange take place 15 days before submission of the convention to the U.S. Senate for ratification—they made the exchange contingent, however, on signature of the convention by all five permanent members of the UN Security Council;

(7) Accepted in principle the concept of joint inspection teams, but with reservation regarding the type of OSI it would apply to and the composition and authority of such teams;

(8) Agreed to the establishment of a consultative committee within 30 days after the entry into force of the convention, rather than six months as they had originally proposed, although they did not agree to having the committee convene within the same time limit.

B. The significance of this limited movement in the Soviet position was diminished by their negative stand on some issues, especially those in the crucial area of verification. In particular, the Soviets:

(1) Excluded from a prohibition toxic chemicals capable of antigen activity or of engendering immunity, thus restricting the significance of their move on the toxin issue (para 5.A. (3) above);

(2) Remained unwilling to accommodate the U.S. position on irritants in a satisfactory manner, asserting that they could not agree to legalizing unilateral reservations to the Geneva Protocol;

(3) Refused even to discuss provisions regarding the disposition of facilities on the grounds that obligation to cease production was already covered by the basic prohibition and, in that connection, objected to the U.S. proposal to prohibit construction of new CW production fa-

cilities because such a provision could entail requests for OSI also of facilities constructed for permitted purposes;

(4) Continued to reject any provision involving declaration of facilities early in the implementation of a convention;

(5) Rejected the distinction between "implementation" and "compliance" as based on the U.S. concept of verification, which they did not accept;

(6) Strongly reaffirmed their approach to verification, making it clear again that no pre-agreed (i.e., mandatory) OSI's were acceptable and that the concept of "voluntary" OSI's should apply to all obligations regarding destruction, production, and non-retention;

(7) While expressing willingness to continue the search for methods of using NTM for monitoring a CW prohibition, questioned the U.S.-suggested measures for facilitating verification by NTM, in particular since they would involve declaration of locations of facilities.

6. In view of the fact that none of the issues on which language could be developed was sufficiently resolved, and also because of the Soviet refusal to discuss provisions regarding the disposition of facilities, the drafting group did not actively consider any specific formulations. A major portion of the group's time and effort was devoted to the development of the joint report to the CD.

7. In sum, round twelve was not very productive, although at this juncture probably no different results could have been expected. At the same time, Soviet behavior in the bilaterals, in the process of the development of the joint report, and in connection with the CD's working group on CW suggests that the Soviets continue to attach importance to the bilaterals. It was clear that they feel much more comfortable dealing with the U.S. alone than having to protect their position against a multitude of differing views, as they had to do in the CW working group with regard to issues to be dealt with in negotiations on a convention.

8. It is difficult to tell at this point what the eventual objective of the Soviets may be concerning a CW agreement, or whether they have even decided themselves. Early in round twelve Amb Israelyan told Amb Flowerree not to expect much progress and said that the Soviets would be re-evaluating their positions on arms control issues in the light of the outcome of the U.S. elections. At least the first part of this statement was borne out by the results of the round. The Soviets have talked about the possibility of a new round in January 1981. In the interim, consideration might be given to approaching them through diplomatic channels to probe their intentions and to reemphasize to them the crucial importance of reaching agreement on satisfactory verification provisions if any real progress is to be made toward a joint initiative.



**137. Telegram From the Embassy in the United Kingdom to the Department of State<sup>1</sup>**

London, September 10, 1980, 1356Z

19227. Subject: (S) U.S./UK Consultations on Sverdlovsk Anthrax Outbreak. Ref: State 219868.<sup>2</sup>

Secret—Entire text

1. Summary: U.S.–UK consultations on the 1979 Sverdlovsk anthrax outbreak were held in London on September 10. U.S. team, headed by Amb. Ralph Earle, presented U.S. assessment of what happened in Sverdlovsk, summarized U.S.–Soviet diplomatic exchanges, and suggested that next step be a UK *démarche* to the Soviets. UK team concurred in U.S. assessment and outlined alternative possibilities for the next step. The two sides also explored possible strategies for multilateral involvement at a later stage. In subsequent meeting, Douglas Hurd (FCO No. 3) told Amb. Earle that he would recommend to Foreign Secretary Carrington that UK make a bilateral *démarche* to the Soviets. End summary.

2. U.S. team, headed by Amb. Ralph Earle, Director, U.S. Arms Control and Disarmament Agency, met with UK officials from FCO and MOD for consultations on the 1979 Sverdlovsk anthrax outbreak. UK team was headed by Sir Antony Acland, Deputy Undersecretary, FCO. (Delegation lists contained para 15 below.)

3. Earle began by summarizing U.S. assessment of what had happened in Sverdlovsk and U.S.–Soviet diplomatic exchanges over the outbreak:

A. What happened:

—We are confident that there was a serious outbreak of human anthrax in Sverdlovsk in April 1979. However, we have been unable to determine with confidence what caused the outbreak. In particular, we have not concluded that the Soviets have violated the Biological Weapons Convention.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800431–0638. Secret; Priority. Sent for information to Moscow.

<sup>2</sup> In telegram 219868 to London, August 18, the Department of State told the Embassy that ACDA Director Earle had been informed that the Foreign Office believed that the “bilateral process” between the United States and the Soviet Union over the Sverdlovsk incident was “almost exhausted” and that there was “merit in broadening the scope of diplomatic action” to include UK involvement. The Foreign Office also warned that the Soviets “might conclude that there was little risk in taking chances with arms control agreements, and the prospects for a good CW agreement would be worse.” (National Archives, RG 59, Central Foreign Policy File, D800394–0737)

—The information available provides a basis for serious concern about the possibility of an accident at a BW-related facility, the nature of activities at such a facility, and whether those activities were inconsistent with obligations under the BW Convention.

—These concerns are based on judgments that the outbreak involved the inhalation form of anthrax, not the intestinal form as asserted by the Soviets and that the outbreak occurred in the immediate vicinity of a military facility which has been suspected for some time of BW-related activities.

—The possibility that the outbreak resulted from airborne contamination produced by an accident related to protective or prophylactic work with biological agents permitted under the convention cannot be ruled out. On the other hand, there clearly is a basis for concern that activities not permitted by the Convention may have been conducted at Sverdlovsk and this is the basis for the U.S. proposal for consultation.

#### B. Diplomatic exchanges:

—Since March of this year we have raised the Sverdlovsk case with the Soviets on a number of occasions.

—In these exchanges, we have stressed four major points:

1. There is sound reason to question the cause of the outbreak of disease in Sverdlovsk;

2. This issue could be discussed by the U.S. and the Soviet Union in a setting similar to the one that has been so practical under SALT;

3. Resolution of this problem would be a positive development for arms control, but failure to deal with it in a mutually satisfactory way could have serious implications for arms control and further complicate U.S./Soviet relations; and

4. This issue will not go away.

—So far, the Soviets have been quite unresponsive to our concerns.

4. Earle said that the Soviet explanation that the outbreak was due to meat from anthrax-infected cattle seemed quite unlikely. It is also disturbing that the Soviets have denied that our concern in any way obligates them to hold consultations to clarify the disease in Sverdlovsk is not related to the Biological Weapons Convention. So, beyond questions relating to compliance with Article I, Soviet behavior poses a serious question with respect to their compliance to Article V of the Convention and to their attitude on the importance of consultative undertakings more generally.

5. Present USG assessment, Earle noted, was that further U.S. démarches were unlikely to produce a more satisfactory Soviet response. However, U.S. will continue to press them. In the USG view a UK bilateral approach to the Soviets had some slight chance of leading to constructive discussions; it thus seemed to be the most desirable next step.

6. Acland responded that a UK intelligence review, completed in April 1980, had reached conclusions very similar to those arrived at by the U.S. UK shared U.S. concerns about the cause of the outbreak and

about Soviet unresponsiveness. Present UK assessment of diplomatic situation was that Soviets were unlikely to change their attitude toward U.S. bilateral *démarches* and that other approaches now had to be considered.

7. In UK view, the objectives of future steps should be to:

- Maintain the credibility of the Convention;
- Make clear to the Soviet Union that compliance with the Convention was being carefully monitored;
- Demonstrate domestically and internationally that the Sverdlovsk issue was being pursued seriously;
- Stress the importance of verification provisions in agreements under negotiation.

8. Acland said UK tends to favor a process of slow escalation of diplomatic steps. Alternatives of simply dropping the issue or continued U.S. bilateral *démarches* would not promote satisfactory resolution. UK will consider U.S. suggestion that next step be a UK *démarche* to the Soviets. Other possibilities include parallel bilateral *démarches* by the U.S. and others (perhaps by a neutral country such as Sweden) or a proposal for a meeting of the three depositaries (U.S., UK and USSR). Earle reiterated U.S. preference for a *démarche* by the UK.

9. Both sides agreed that once bilateral (or trilateral) approaches had been exhausted, convening a consultative meeting of states parties was the logical next step. Palmer (U.S.) outlined preliminary U.S. thinking about such a meeting. He said that the purpose of a meeting would be to conduct a thorough and responsible analysis of available information by qualified experts in order to clarify the cause of the outbreak. Even if this effort were unsuccessful, the meeting would provide us with an opportunity to achieve a much wider understanding within the international community on the nature of the problem. This step would entail certain risks. Some of the risks are procedural since there is no established practice for raising this type of compliance issue under the BW Convention. Other risks relate to our ability to persuade others that a serious issue is involved. It would also be desirable to approach such consultations in a way that might set a valuable precedent for improving the future operation of the treaty, including the possibility of periodic consultative meetings, and which would in general strengthen the credibility of the multilateral arms control process.

10. Palmer stressed that before committing ourselves to seeking a consultative meeting, it would be important to take soundings with key states to ensure that a proposal would be broadly supported. In view of the seriousness of the issue, U.S. believes that it would be important to engage a significant number of concerned BWC parties, particularly Non-Aligned, in the consultative process. The views of Sweden would be particularly important because of their past advocacy of a BWC con-

sultative committee and of their influential role in the neutral/non-aligned group. The U.S. would prefer to have Sweden take the lead in calling a consultative committee meeting.

11. A discussion of the timing of the next steps ensued. Earle noted that if Lord Carrington planned to meet with Soviet Foreign Minister Gromyko at the beginning of the UNGA session later in September, this could provide an opportunity for a UK *démarche*. He said U.S. believes that next step should not be delayed too long. It is important that Soviets not get the perception that the issue is being dropped.

12. Acland asked U.S. views on foreshadowing to the Soviets what future steps were being considered and also on public release of a "white paper". Earle responded that U.S. had already indicated to the Soviets that multilateral involvement was a possibility, but that being more explicit could lead to Soviet efforts to block the steps we had in mind. Regarding a "white paper", the U.S. believes it important for the near term to maintain as much confidentiality as possible. We might well provide a classified background paper to others in the near future, but we see public release as something for a later stage. (Comment: UK team appeared satisfied with these responses and did not press either point. End comment).

13. Acland concluded by expressing UK concern about the Sverdlovsk issue and emphasizing usefulness of US-UK consultations. UK will consider U.S. suggestions and views and respond as soon as possible.

14. In a subsequent meeting, Douglas Hurd (FCO No. 3) told Amb. Earle that he would recommend to Foreign Secretary Carrington that the UK make a bilateral *démarche* to the Soviets to express concern about the Sverdlovsk incident, as the U.S. team had proposed. Hurd promised a prompt UK response.

[Omitted here is the list of participants.]

138. Message From Secretary of State Muskie to President Carter<sup>1</sup>

Washington, October 5, 1980, 1511Z

WH07366. Forwarded per request of Secretary Muskie. Please deliver as soon as possible. Subject: Muskie-Dobrynin Meeting: Follow-up to Gromyko Bilateral.

1. (S—Entire text).

2. Begin summary. Secretary Muskie met with Ambassador Dobrynin October 4<sup>2</sup> to take up several issues which time had prevented his raising with Gromyko in New York:<sup>3</sup> Poland, the Sverdlovsk anthrax outbreak, the September 14 Soviet high-yield test, prospects for Madrid,<sup>4</sup> including human rights issues, and a problem affecting continuation of construction of the new Moscow Embassy complex. He also responded to a question which Gromyko had raised during the New York bilateral on PD-59.<sup>5</sup> In response, Dobrynin complained that most of what the Secretary had to say was negative, that there was nothing very positive about it. On the specific issues raised, Dobrynin said the Poles knew how to handle their problems without outside interference; there was no utility in continuing to discuss Sverdlovsk; he had no information as yet on the September 14 test; our plans for discussing human rights issues at Madrid would have a very negative effect; and he could understand that the construction problem was one that might bother us. The Secretary pointed out that the fact that we continued to set forth our views frankly, in an effort to lessen the differences between us, should not be regarded as “negative.” He also stressed the importance of resolving issues which would facilitate our efforts to achieve ratification of SALT II. End summary.

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<sup>1</sup> Source: Carter Library, Plains File, Box 5, USSR (General): 9/77–12/80. Secret; Sensitive; Eyes Only; Nodis. Sent from the White House Situation Room. The initial “C” written in the upper right-hand corner of the message indicates that Carter saw it. Carter spent October 4 and 5 in a fishing cabin in Spruce Creek, Pennsylvania. (Carter Library, Presidential Materials, President’s Daily Diary) The message is printed in full in *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 304.

<sup>2</sup> For the Muskie-Dobrynin meeting, see *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 303.

<sup>3</sup> Muskie and Gromyko met on September 25. See *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 302.

<sup>4</sup> Delegates of the Organization for Security and Cooperation in Europe met in Madrid to discuss implementing the Final Act of the 1975 Helsinki Conference. For more on this, see *Foreign Relations*, 1977–1980, vol. V, European Security, 1977–1983.

<sup>5</sup> Presidential Directive 59, “Nuclear Weapons Employment Policy,” was issued on July 25. PD 59 is scheduled for publication in *Foreign Relations*, 1977–1980, vol. IV, National Security Policy.

3. The Secretary told Dobrynin he thought his talk with Gromyko in New York on September 25 had been very useful and that he had appreciated Gromyko's frankness and relaxed tone. Despite the fact that the meeting had been extended beyond the agreed time, however, there were several subjects we had not had time to cover. He thought the best way to treat these was to set out our position on each of them in a Non-Paper, briefly and without any polemics, which Dobrynin could transmit to Gromyko. If there were additional subjects which Gromyko would like to bring to the Secretary's attention in a similar manner he would be glad to consider them.

4. The Secretary then summarized each of the issues orally and at the end of his presentation handed Dobrynin the following Non-Paper:

Begin text:

Follow-up to September 25 meeting.

[Omitted here is discussion unrelated to the Sverdlovsk incident.]

On arms control matters, we wish to reaffirm the U.S. commitment to SALT II ratification and to the achievement of progress in CTB, MBFR, CW, and ASAT. We would also like to raise two matters which could have far reaching implications for the future of arms control negotiations in general and, in the near term, for SALT II ratification. First, the inability to find a suitable means of resolving the concerns expressed by the United States regarding the April 1979 outbreak of anthrax in Sverdlovsk raises serious questions concerning Soviet compliance with the Biological Weapons Convention. This is a problem that will not simply go away with the passage of time. We continue to believe that the best way to resolve our legitimate concerns in this matter would be to arrange for technical discussions among experts. Although we prefer to resolve this matter on a bilateral basis, the U.S. Government will also consider other ways to resolve our concerns in accordance with the terms of the Biological Weapons Convention—including possible multilateral action. Soviet cooperation in resolving this matter would be a very positive step.

[Omitted here is discussion unrelated to the Sverdlovsk incident.]

5. Dobrynin said he would of course report the Secretary's remarks to Gromyko. Overall, however, his impression was that they, quite frankly, were not very encouraging. He then commented briefly on the individual issues raised as follows:

[Omitted here is discussion unrelated to the Sverdlovsk incident.]

—The U.S. knows the Soviet position on arms control very well: The Soviets favor a continuation. But we have discussed Sverdlovsk "hundreds of times" and he doesn't see anything useful in discussing it

further. As for the September 14 Soviet nuclear test, he has no information as yet.<sup>6</sup>

[Omitted here is discussion unrelated to the Sverdlovsk incident.]

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<sup>6</sup> On October 27, Dobrynin presented an oral note from Gromyko to Muskie in response to the Non-Paper. Muskie's claim that the U.S. wanted "normal relations" with the Soviet Union, the note said, was belied by the Secretary's October 4 comments. "The choice of the questions and the way they are posed," the note contended, "do not indicate a readiness by the US side to seek mutual understanding. We have no desire to engage in polemics for the sake of polemics. But we, understandably, cannot silently pass over statements and actions of the US side with which we cannot agree." Regarding Sverdlovsk, the note said "We reaffirm our position on the question regarding an outbreak of anthrax in the area of Sverdlovsk." (Telegram 287283 to Moscow, October 28; National Archives, RG 59, Central Foreign Policy File, P910096–1812)

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### 139. Summary of Conclusions of a Mini-SCC Meeting<sup>1</sup>

Washington, November 26, 1980

#### Subject

Chemical Warfare (U)

#### Participants

##### *State*

Reginald Bartholomew, Director,  
Political-Military Affairs  
Mark Palmer, Director, Disarm. &  
Arms Control  
Charles Thomas, Dir., Off. of Eur.  
Aff. & Eur. Security  
Robert Pace, Political-Military  
Officer

##### *OSD*

Walter Slocombe, Dep. Undersec.  
for Policy Planning  
Thomas Dashiell, Staff Specialist  
for Chemical Technology

##### *OSTP*

Ben Huberman, Asso. Dir., Natl.  
Security, Intl. & Space Aff.  
Margaret Finarelli, Senior Policy  
Analyst

##### *JCS*

Gen John Pustay, Assistant to the  
Chairman  
Col. John A. Tengler, Chemical  
Staff Planner

##### *DCI*

[name not declassified]  
[name not declassified]

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 183, SCM 153, Mini-SCC Chemical Warfare, 11/26/80. Secret. The meeting took place in the White House Situation Room.

*OMB*

Edward Sanders, Asso. Dir., Natl.  
Security & Intl. Affairs  
Robert Howard, AF Branch Chief,  
Natl. Security Division

*ACDA*

George Ashworth, Asst. Dir.,  
Weapons Eval. & Control  
Robert Mikulak, Staff Member

*White House*

David Aaron (chaired)  
*NSC*  
Victor Utgoff  
Gen Jasper Welch  
Jerry Oplinger

The meeting began with a discussion of the basic objectives of the proposed binary chemical weapons program, as currently seen. This discussion included the following points: (1) The case for the \$2B 30,000 agent tons JCS CW munitions requirement for Central Europe remains to be made; (2) A more modest stockpile of several thousand agent tons might cost a total of \$300–400M to produce; (3) The binary CW program would accommodate a shift to a better mix of CW munitions, particularly more air-delivered weapons; and (4) Binary munitions offer the possibility of multipurpose artillery shells that could be normally configured as smoke or HE rounds, but with a quick change of inserts converted to CW munitions. (S)

The Chair noted that the value of the binary CW program seems to depend significantly on forward-deploying some of these weapons in Europe and in particular, in Germany. Defense generally agreed, but stated that the binary program would probably be worth pursuing even if forward-deployment of binaries were to prove impossible. The Chair stated that the question still seems to be: Will we be able to deploy binaries in Europe? (S)

State (after noting that the CW issue has not yet been addressed by the Secretary), argued that the problem of deploying binaries in Europe is manageable if approached correctly. State argued that presenting a major new CW program all at one time to our Allies wouldn't work. On the other hand, a phased approach beginning with deployment of air-delivered CW munitions in the UK, and then leading to replacement of stocks in the FRG, perhaps using the multipurpose shell idea, could be worked out. (S)

The Chair stated that if the value of binaries is strongly dependent on forward-deployment, we must know Allied—particularly FRG—attitudes. Defense argued that we should not ask the Allies to participate in this decision. State agreed, but said that the US should discuss the management of the CW problem with the Allies. JCS noted that we might point out the changed importance of a credible CW deterrent, given changes in the nuclear balance. State said any suggestion of a changed role for CW weapons would doom any hopes we have for modernizing the forward-deployed CW stockpile. State then argued that the program of improvements we are discussing involves a long



series of actions and consultations that should probably be carried out by the next administration. (S)

The Chair argued that we need to make a decision on the program for the '82 DOD budget, and that we are likely to create a major problem for the next administration if we simply include funds for the binary plant without consulting with the FRG. Chancellor Schmidt would likely be pressed at home for his reaction to our decision, and his reaction might very well be to say binary weapons will never be deployed in Germany. (S)

After a short discussion of the specific decisions that must be made, the mini-SCC agreed to recommend the following course of action:

(1) Do nothing to oppose the Congressional initiatives to fund the binary plant in 1981.

(2) Sign the appropriations bill without comment and place whatever funds the Congress provides for 1981 on the deferred list, pending decision by the new administration.

(3) Make our final decision on the binary CW plant in the course of the President's '82 DOD budget review.

(4) If the Congress' actions lead to a need for significant funding in 1982, and if the President decides to fund the program, consult with Chancellor Schmidt to give him advance warning of our intentions.

(5) Let the next administration decide how to complete the required restructuring of the binary program. (S)

# Comprehensive Test Ban; Peaceful Nuclear Explosions

## 140. Editorial Note

During the 1976 presidential campaign, the Democratic Party included a comprehensive test ban in its party platform. ("Widely Differing Platforms Offer Voters a Clear Choice," *Washington Post*, August 18, 1976) In a September 25 speech in San Diego, former Georgia Governor Jimmy Carter, the Democratic Party's Presidential candidate, said if elected he "would urge the Soviet Union to join the United States in agreeing to a 'total ban' on all nuclear explosions, including so-called peaceful devices, for five years." Carter "further said he would 'follow through' on his belief that a 'comprehensive' test ban treaty should be negotiated, which presumably would include the underground tests now permitted by [the 1963 Limited Test Ban] Treaty." ("Carter Vows a Curb on Nuclear Exports to Bar Arms Spread," *New York Times*, September 26, 1976)

The United Nations General Assembly also called for a test ban. A December 10 Resolution condemned "all nuclear weapons tests, in whatever environment they may be conducted;" declared "its profound concern that substantive negotiations towards a comprehensive test ban agreement have not yet begun and reemphasizes the urgency of concluding a comprehensive and effective agreement;" called for "all nuclear-weapon States to suspend the testing of nuclear weapons by agreement, subject to review after a specified period, as an interim step towards the conclusion of a formal and comprehensive test ban agreement;" and noted "the particular responsibility of the nuclear-weapon States which are parties to international agreements in which they have declared their intention to achieve at the earliest possible date the cessation of the nuclear arms race." ("General Assembly Resolution 31/66: Urgent Need for Cessation of Nuclear and Thermo-nuclear Tests and Conclusion of a Treaty to Achieve a Comprehensive Test Ban," December 10, 1976, *Documents on Disarmament, 1977*, pp. 910-912)

On January 23, 1977, during a press interview with selected reporters, President Jimmy Carter discussed a number of arms control issues. In response to a question about the Strategic Arms Limitations Talks (SALT), he said "I would like to proceed quickly and aggressively with a comprehensive test ban treaty. I am in favor of eliminating the testing of all nuclear devices, instantly and completely." Asked if this included underground tests, Carter replied "Yes. And whether or not the Soviets will agree to do that, I don't know yet. They have sent an en-

couraging message back, but the exact caveats might not yet be in view. I can't answer that question." ("Press Interview of President Carter [Extract]," January 23, 1977, *Documents on Disarmament*, 1977, pp. 20–22)

A day later, Secretary of State Cyrus Vance, according to a *Los Angeles Times* story, "tersely and unequivocally denied that there had been any 'response from the Soviet Union on this particular issue'." Later that day, the Department of State issued a statement that "clarified" Carter's remark. "There has not been any official Soviet message on the subject," according to the statement. Rather, the President had actually referred to "a series of public and private signals since last fall that the Soviet leadership is interested in a wide variety of arms control initiatives," particularly Soviet Foreign Minister Andrei Gromyko's call for a comprehensive test ban during a speech at the United Nations in September 1976. ("Carter Proposes Halt to All Nuclear Testing," *Los Angeles Times*, January 25, 1977)

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#### 141. Presidential Review Memorandum/NSC-16<sup>1</sup>

Washington, January 25, 1977

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Director of Central Intelligence  
The Chairman, Joint Chiefs of Staff  
The Director, Arms Control and Disarmament Agency  
The Administrator, Energy Research Development Administration

SUBJECT

Nuclear Testing

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 37, PRM/NSC-16 [1]. Secret. The memorandum was attached to a January 25 cover memorandum from Brzezinski which advised Carter to "immediately" sign the PRM in order to "show the seriousness of your purpose" to end all nuclear tests. (Ibid.)

In order to follow up immediately on my remarks concerning the elimination of testing of all nuclear devices,<sup>2</sup> I wish the Special Coordination Committee to undertake a preliminary review of the major issues involved in the termination of all nuclear testing.

This initial review should be completed for my consideration by February 9 and should include:

1. A preliminary analysis of the major problems of verifying a complete ban on all testing weapons as well as peaceful nuclear explosions by the US and the USSR, and other nuclear powers.

2. The effect of such a ban on US weapons testing programs as well as the likely effect on Soviet programs.

3. Alternative diplomatic scenarios that might be adopted to move towards this goal, including the advantages and disadvantages of several alternatives: a unilateral US moratorium; a bilateral US/Soviet moratorium; and approaches to other nuclear powers to join such a moratorium. Consideration should also be given to a more permanent arrangement; for example, amending the Limited Test Ban Treaty.<sup>3</sup> There should also be an examination of the advantages and disadvantages of moving ahead with or holding the Threshold Test Ban Treaty<sup>4</sup> and PNE Agreement<sup>5</sup> already before the Congress.

**Jimmy Carter**

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<sup>2</sup> See Document 140.

<sup>3</sup> The 1963 Limited Test Ban Treaty among the United States, the United Kingdom, and the Soviet Union prohibited nuclear weapons tests or any other nuclear explosion in the atmosphere, outer space, and underwater.

<sup>4</sup> The 1974 Threshold Test Ban Treaty between the United States and the Soviet Union prohibited nuclear weapons tests underground as well as tests with a nuclear yield exceeding 150 kilotons.

<sup>5</sup> Along with the Threshold Test Ban Treaty, the 1976 PNE Agreement between the United States and the Soviet Union allowed each country to conduct underground nuclear explosions for peaceful purposes. The two countries, however, were prohibited from enjoying "weapons-related benefits" from such explosions.

**142. Memorandum of Conversation<sup>1</sup>**

Washington, February 1, 1977, 11:30a.m.–12:30p.m.

**PARTICIPANTS**

The President  
Anatoliy Dobrynin, Soviet Ambassador to the United States  
Secretary of State Cyrus Vance  
Zbigniew Brzezinski, National Security Affairs Assistant

*Strategic Issues*

President Carter began by stating he would like to move rapidly—aggressively—on arms control issues with the Soviet Union. He mentioned that he had been encouraged by the messages he received this summer from Secretary General Brezhnev. He would like to see Brezhnev's good wishes translated into positive results. The President added that his Inaugural Speech<sup>2</sup> and his recent letter<sup>3</sup> to Secretary Brezhnev expressed his views on U.S.-Soviet relations.

[Omitted here is discussion unrelated to a comprehensive test ban.]

*Comprehensive Test Ban*

The President asked about the Comprehensive Test Ban (CTB). Dobrynin raised the issue of French and PRC compliance. The President responded that a CTB might be initialled for a limited time, such as 2–4 years. It would be subject to renewal. Both the United States and the Soviet Union would attempt to get France and the PRC to comply

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Office, Outside the System File, Box 47, Chron: 2/77. Top Secret. The meeting took place in the Oval Office. The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 3.

<sup>2</sup> For Carter's Inaugural Address and his remarks to other nations on U.S. foreign policy, see *Public Papers: Carter, 1977*, pp. 1–5.

<sup>3</sup> On January 26, Carter wrote Brezhnev that he wanted to "improve relations with the Soviet Union on the basis of reciprocity, mutual respect and benefit." He mentioned a number of arms control issues, and said that he hoped "we can promptly conclude an adequately verified comprehensive ban on all nuclear tests, and also achieve greater openness about our respective strategic policies." Brezhnev answered Carter on February 4 and said that he wanted to "strictly observe the fundamental principles of equality, mutual consideration of legitimate interests, mutual benefit and non-interference in the internal affairs of the other side." After raising SALT and other arms control issues, he said "it is also necessary to put into force without delay the Soviet-US treaties on the limitation of underground nuclear weapon tests and on the explosions for peaceful purposes. At the same time efforts should be intensified—and we are ready to cooperate with the United States in this matter—for complete and general cessation of nuclear weapon tests and the prevention of proliferation of such weapons." The letters are printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Documents 1 and 4.

with the CTB. The President said he envisioned the test ban applying to peaceful nuclear explosions. Dobrynin mentioned that the Soviets have two peaceful nuclear explosions scheduled, although the dates have not been fixed. The President said his preference would be to stop all testing.

Dobrynin asked about the two nuclear treaties pending before Senate. He asked if the President supported them. The President said he did, but as first steps. Dobrynin said that he was not prepared to offer a Soviet view on peaceful nuclear devices. The President indicated that the United States had tested peaceful devices and had not been encouraged. The President went on to say that he would be willing to include in the Comprehensive Test Ban an understanding that would allow the Soviets to conduct their two tests, if observers were present.<sup>4</sup> Dobrynin responded that "this is fair enough." The President added, "We'll try to get France and the PRC to comply."

*Compliance and "Matters of Concern"*

The President asked for some assurance of compliance. He mentioned that Gromyko has said consideration should be given to on-site inspection. The President went on to say that he would like to be able to write Secretary General Brezhnev on "matters of concern," such as compliance and other sensitive activities which might be susceptible to misinterpretation. Dobrynin responded that this would be "a good idea." The President added that each side would reserve the right not to reply.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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<sup>4</sup> An unknown hand circled the word "tests" in this sentence and wrote "?" in the right-hand margin.

**143. Telegram From the Mission to the North Atlantic Treaty Organization to the Department of State<sup>1</sup>**

Brussels, February 3, 1977, 1550Z

600. Subject: Comprehensive Test Ban (CTB): The NATO Perspective. Ref: State 24133.<sup>2</sup>

1. There are three areas on which we think we can usefully comment from NATO on Allied attitudes toward a CTB: the need for consultations, concern about US–Soviet bilateralism, and the implications for Allied security.

2. We can not emphasize strongly enough the need for full and timely consultations with the Allies at NATO on any US initiatives or changes in long-standing US positions regarding a CTB. While we leave to Washington's judgement the manner and timing of consultations, we believe it would be helpful to the development of support for US initiatives if the Allies could be apprised promptly of the general lines of US thinking before final positions are worked out in Washington. Allied support would be greatly enhanced if we can convince the Allies that their views will be taken into consideration in the development of the US approach, and that they are not simply being informed about what the US intends to do after inter-agency study has been completed in Washington. If there are options being considered regarding such issues as verification, PNES, a possible moratorium, and who should be party to a treaty, we should make every effort to present these options to the Allies and to consider their views. The need for timely consultation is particularly evident when we consider the tacit support the Allies have generally accorded our long insistence on on-site inspections—even when in recent years not all Allies were convinced of the technical requirements for such inspections. The CTB is an issue political as well as military importance to a number of Allies. Hence, they must be brought sufficiently abreast of US thinking in order to undertake whatever internal consultations and adjustments they feel are necessary. In short, let us tell them as much as we can as early as possible, even if our initial presentations are brief and tentative.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, reel # N/A. Confidential; Immediate. Sent for information Immediate to Bonn, London, Paris, Rome, Tokyo, USUN, and the Mission in Geneva.

<sup>2</sup> In telegram 24133 to Bonn, Paris, London, Rome, Tokyo, USUN, USNATO, and the Mission in Geneva, February 3, the Department solicited attitudes of a number host countries on the question of a CTB. (National Archives, RG 59, Central Foreign Policy File, D770058–0808)

3. On modalities, we believe that the more technical aspects of a CTB can be dealt with at the level of NATO disarmament experts, whose next meeting is scheduled for April 21–22. However, to deal with the broader political and military implications of this issue, we propose instructed permrep discussions; and at an appropriate stage, a visit by an Assistant Secretary-level official to brief Allies on our views and to hear their reactions.

4. Concerns about US–Soviet bilateralism can be accommodated through effective consultations and by the way we proceed with the development of a possible CTB. While the Department will recall the strong cautionary statement of FRG Ambassador Pauls on US–Soviet bilateralism during the Vice President’s meeting with the council,<sup>3</sup> we would like to point out that this problem transcends the simple question of whether we touch base with the Allies before negotiating with the Soviets. While the Allies will appreciate that bilateral US–Soviet negotiation must be an important part of the process of achieving a CTB, they will wish to be associated with the process of negotiations as closely as possible at all stages and, in some instances, to be seen publicly as participating in this process. Moreover, the handling of the question of which nuclear states must be parties, and whether non-nuclear states will be welcome to join, as well as other issues related to a CTB, will be judged by the Allies in terms of whether only US and Soviet interests are accommodated or whether the needs of individual Allies are also considered.

5. Allies security concerns, too, can be accommodated through consultations. The underlying concern, in our view, is likely to be a vague worry that a CTB might somehow affect, in technical or psychological terms, the long-range reliability of the US strategic and theater nuclear deterrents. The Allies will be interested, in this regard, in measures the US will undertake to maintain our major nuclear laboratories and our views on the relevance of the argument, sometimes heard, that top US scientists will be less interested in the nuclear program if they cannot test. Another concern will be the implications of a CTB for the possible development, at some distant time in the future, of a credible independent European nuclear deterrent.

6. Some Allies may also be concerned about the effect on Allied solidarity if strongly differing views are evidenced on certain aspects of a CTB. We will be interested in the views of other addressees on the attitudes of individual Allies. Our preliminary assessment is that the non-nuclear Allies will welcome any progress toward a CTB, although the Italians may have some minor lingering misgivings. The UK will

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<sup>3</sup> Not found.



likely see no security problem. The French, however, may feel under particular pressure regarding both the maintenance and development of their nuclear forces and the question of whether and how they might participate in negotiations. A suggestion of negotiations among nuclear states might appeal to the French, but it would have a wrenching effect, we believe, on the FRG and the smaller Allies.

6. In sum, a central US objective should be to proceed in this endeavor in a manner that will enhance, and not undermine, Allied solidarity.

**Strausz-Hupe**

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**144. Telegram From the Mission to the United Nations to the Department of State<sup>1</sup>**

New York, February 4, 1977, 2313Z

334. Subj: Comprehensive Test Ban: Allied Views in UN Context.  
Ref: State 24133.<sup>2</sup>

1. Begin summary: At the UN, our allies have long supported CTB objective and share the general view that its attainment is the single most important UNGA disarmament goal. Majority of them voted for 1976 resolution “condemning” all nuclear tests.<sup>3</sup> Regardless of their own security concerns, allied attitudes at the UN also reflect deep and growing concern that failure to attain CTB will undermine and may finally defeat efforts to prevent further nuclear proliferation. Major non-aligned States insist there is direct link between CTB and progress in non-proliferation, and our allies accept this asserted linkage—regardless of its objective validity—as important political reality. Many allies believe US and USSR should move initially to limited-participation CTB rather than seek all-nuclear-weapon state agreement as demanded by Soviets. While allied views on proper forum for negotiating CTB are somewhat flexible, they generally favor CCD and envisage CTB as multilateral agreement in tradition of Limited Test Ban Treaty (LTBT) and NPT. End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770041–0791. Confidential. Sent for information to Bonn, London, Paris, Rome, Tokyo, USNATO, and the Mission in Geneva.

<sup>2</sup> See footnote 2, Document 143.

<sup>3</sup> See Document 140.

2. Allied views on the Comprehensive Test Ban (CTB) issue as expressed at the UNGA largely coincide in broad principle, though there are significant differences in emphasis on subsidiary questions, such as verification and PNES. All our allies support the objective of a CTB, and most share the prevailing UN view that the prompt achievement of a CTB is the highest priority disarmament issue in the UN context. Support for intensified efforts to reach agreement on a CTB was voiced in the 1976 UNGA at the Foreign-Minister level by several of our allies (including Japan, Netherlands, Australia, and Denmark) and virtually all our allies reiterated their commitment to the objective in the first committee disarmament debate.

3. A significant indication of the strength of this commitment on the part of several of our allies is their willingness to vote for, and even cosponsor, the annual CTB resolutions even though they contain language "condemning" all nuclear weapon tests—i.e., language generally reserved for such issues as apartheid and South Africa. The majority of our allies voted for the 1976 resolution, despite this extreme language; they were Australia, Canada, Denmark, Iceland, Japan, the Netherlands, New Zealand, Norway, Portugal, and Turkey. New Zealand, in fact, played a leading role in drafting the resolution, on which the US, UK, France, FRG, Italy, Belgium, Luxembourg, and Greece abstained.

4. For most of our allies (other than France and to a lesser extent FRG and Italy), positions taken at the UNGA on the CTB issue are not primarily based on specific perceptions of national security interests. Support for the CTB idea or CTB resolutions does not necessarily reflect a specific judgment that a CTB would enhance a country's own security or a judgment that there are no military or security risks in a CTB. Rather, the key to allied CTB attitudes at the UN is their growing concern that failure to achieve a CTB and more broadly to make progress toward nuclear disarmament is seriously undermining, and may eventually defeat, efforts to prevent the horizontal spread of nuclear weapons.

5. This asserted linkage between progress in nuclear disarmament and progress in non-proliferation has long been a major tenet of leading nonaligned and neutral activists, including Mexico, Yugoslavia, Sweden, and Nigeria. We, and some of our allies have rejected the implication that non-proliferation efforts should, in effect, be held hostage to progress in nuclear disarmament, insisting that horizontal proliferation poses clear and grave threat to all countries, regardless of the state of negotiations on "vertical proliferation." But, however valid or realistic this argument may be objectively, it is politically unacceptable to most countries. Its unacceptability has been reflected in the slackening of support, particularly among the nonaligned, for concrete

measures to strengthen the non-proliferation regime as well as in the growing concern of our allies over the lack of progress toward a CTB and measures of nuclear disarmament.

6. Thus, whether they like the idea of a linkage or not, many of our allies now openly acknowledge it as a political reality. A Japanese statement at the 1976 UNGA is characteristic of many of our allies' views: "The prevention of horizontal proliferation presupposes progress in the prevention of vertical proliferation. If there is no progress in preventing vertical proliferation, or it becomes clear that none is in prospect, the justification for seeking the prevention of horizontal proliferation will be greatly reduced."

7. The consequences of this view are evident in the Swedish non-proliferation resolution adopted by the 1976 UNGA. The resolution places at the top of the list of measures needed to strengthen the non-proliferation regime "determined efforts" by the Nuclear-Weapon States (NWS) to (A) halt the arms race, (B) make progress toward nuclear disarmament, and (C) solve the difficulties impeding a CTB. Notably, the resolution did not call for adherence to the NPT as a means of strengthening the non-proliferation regime. Against this background, some of our allies, and many nonaligned, have noted a growing disparity between US emphasis on such areas as strengthening safeguards and stiffening export controls and the predominant UN stress on nuclear disarmament and security assurances.

8. In our view, this is the most important characteristic of the CTB issue in the UN context, the factor uniting most of our allies in support of CTB resolutions that we do not accept. (Many of our allies, of course, also support a CTB on its [garble].) The UNGA also provides an opportunity for annual statements of view on subsidiary issues such as verification and PNES. Views on these questions differ in substance as well as emphasis, and cannot be accurately reflected in a brief summary. We would thus leave it to others to describe individual allied positions in these questions. However, two other issues with a specific UN angle should be mentioned—the issues of participation and negotiating forum.

9. The question of participation has always been latent in CTB debated—i.e., must all NWS participate in a CTB from the outset, or can (or should) a CTB begin with the US and USSR? The question was brought to the fore in 1975 when the Soviets submitted their draft CTB treaty requiring the participation of all NWS, a position they have continued to maintain publicly since then. Many of our allies have been the most vocal critics of this position. Australia, Canada, the FRG, Japan, the Netherlands, Norway, and New Zealand are among those that have insisted on the possibility of a limited-participation CTB, at least as a

first step. Some have asserted more than the possibility, stressing the special responsibility of the US and USSR to take the lead.

10. The issue of the proper forum for CTB negotiations was also raised by the 1975 Soviet proposal, which envisaged a new negotiating body composed of all NWS and 25–30 NNWS. (The inclusion of the NNWS was at Mexican insistence, evidence of the political unacceptability at the UN of a restructured NWS negotiation.) Several of our allies have strongly defended the role of the CCD in CTB negotiations, pointing out that CTB has been the “highest priority” issue in the CCD for years. While the forum question is perhaps of secondary importance, and to some extent a corollary of the participation issue, the implications of choosing any forum (whether the CCD, a separate committee, or bi- or trilateral meeting) will necessarily have to be weighted. If a CTB is to be, as our allies and most nonaligned expect, a multilateral instrument in the pattern of the LTBT and the NPT, or to have broad international support, it will be important to ensure broadly-based participation throughout the negotiating process. Participation will be particularly important in connection with development of solutions to the verification and PNE problems.

11. There has been relatively little specific reaction so far in New York to President Carter’s statement,<sup>4</sup> which has been somewhat overshadowed by other recent events, but it is certain to promote wide interest and raise expectations that the long-standing stalemate may be broken in the relatively near future. Expectations had already been raised to some extent last fall, when the Soviets announced a new position on CTB verification envisaging a “voluntary framework” for on-site inspection. At the same time, however, there is certain to be a degree of skepticism on the part of many unless and until there are specific signs of possible negotiations, new proposals, or changes of position. Indications that new developments may be at hand are likely to have a favorable impact on UN (and CCD) disarmament activities in the coming months, but we can also expect to be brought to account in the absence of real movement.

**Bennett**

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<sup>4</sup> Ibid.

**145. Memorandum From the Acting Director of the Arms Control and Disarmament Agency (Sloss) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, February 11, 1977

**SUBJECT**

Nuclear Test Cessation and PNEs

This Agency believes there are serious risks in attempting to accommodate “peaceful nuclear explosions” under a comprehensive test ban treaty. The purpose of this early warning is simply to prevent further steps that could be construed as prejudging the issue before it has been thoroughly examined and Soviet positions tested in negotiations.

Such an accommodation—which may well not prove necessary to achieving Soviet agreement on a CTB—would introduce a major shortcoming in the treaty, provide the USSR with an important military asset, weaken the Limited Test Ban Treaty, and do incalculable harm to our non-proliferation efforts. Early encouragement of a Soviet impression that the US may already be persuaded that a PNE allowance in a CTB is necessary and tolerable could quickly grow into a serious impediment to negotiation with the USSR of an advantageous agreement.

We offer the following points for your consideration:

*SEPARATION OF PNEs FROM WEAPON TESTS*

(1) Both the US and the USSR have acknowledged that the technology of nuclear explosive devices for peaceful purposes is indistinguishable from that of nuclear explosive devices for weapon purposes.

(2) Point (1) is the central difficulty of the “PNE verification problem.” No techniques have been devised to verify that a nuclear explosion in a PNE project is not also a weapon test simply because there are no meaningful criteria on which to base the distinction. This intrinsic difficulty cannot be eased by international arrangements for “inspection” or other procedures.

(3) Criteria to govern PNEs in ways that do not substantially compromise the objectives of an agreement limiting a weapon test can be devised if, and only if: (a) the constraints to be imposed on weapon activities are less than complete, and (b) the weapon benefits available under the permissive PNE regime do not extend substantially beyond those permitted in the weapon test regime.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 Test Ban (Jan–July) 1977. Secret. Copies were sent to Vance, Harold Brown, Fri, and Turner.

(4) Much of the international discussion of CTB benefits has dwelled on interrupting the process of developing new improved nuclear weapons; and recent Soviet statements at the UN have also taken this line. This way of thinking about the matter is deficient on two counts:

(a) basic advancement of nuclear weapon technology is not the only substantial reason for nuclear weapon testing—it may no longer even be the main reason. Primary reasons for such testing now and in the foreseeable future are to prove out weapon designs that have been tailored in detail to best match new delivery systems; to test the effects of nuclear explosions on other military equipment, and to verify experimentally the functional soundness of weapons in the stockpile. All of these can be done through PNE operations;

(b) any meaningful PNE program will, itself, include development efforts to advance and test nuclear explosive technology and specific designs. The civil engineering reasons for such continued development and testing (e.g., to reduce the diameter of a device, to establish designs that are more economical of fissionable materials, to establish the ability of the device to deliver reliably its design yield with acceptable precision) could not be challenged as unnecessary or inappropriate; however, they generally parallel corresponding desiderata in the military field. Some of the kinds of device advancements to be sought for PNE applications are on the frontier of current nuclear weapon R&D.<sup>2</sup>

#### US PNE PROGRAM

(5) The US does not have a significant PNE program; and, based on current estimates of economic value in the US plus environmental and regulatory factors, there is no evident justification for a significant US program.

#### WEAPON-TEST ASYMMETRY

(6) Because of the inactive current and projected status of the US PNE program, allowing an active Soviet program under a complete ban on acknowledged weapon tests would extend to the USSR a substantial unilateral military asset (i.e., a clear basis for indirect continuance of weapon testing).

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<sup>2</sup> Carter wrote Brezhnev on February 14 and said that he welcomed “your willingness to intensify efforts to reach agreement on a comprehensive test ban. I recognize that there are remaining issues with respect to other countries who continue to have test programs and the possible use of peaceful nuclear explosions for mining or construction, but I believe there are satisfactory ways of dealing with these issues. I intend to ratify the existing agreements which have been negotiated between our two governments but I consider these only steps toward a common objective of a complete cessation of nuclear tests. In the meantime these unratified agreements will be honored by our government.” The letter is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 7.

*NEGOTIATING FACTOR*

(7) The actual PNE plans of the USSR are not reliably known to the US Government. More importantly, the depth of political support for PNE plans is very unclear. We certainly do not know how far the USSR would go in order to retain a PNE allowance against US negotiating opposition. While we surely should display a complete willingness to consider any proposals of the Soviet side, it would be very disadvantageous to provide them at an early stage with any reason to believe that a PNE allowance has been accepted by the US as necessary or tolerable in a CTB.

*THE LIMITED TEST BAN TREATY OF 1963*

(8) Discussions in the open literature of Soviet PNE interest include canal building and river diversion projects (primarily the Kama-Pechora river project<sup>3</sup> which, if undertaken, might be an effort of 5 to 10 years). The kinds of nuclear explosions necessarily involved in river-diversion or canal building would, with virtual certainty, violate the LTBT. The USSR has played fairly loose with LTBT compliance in their nuclear weapon test program but has always retained the “out” of claiming accident or technical deficiencies if need be. A planned, announced and described PNE excavation project (perhaps with US observers present) would stand naked of any supportable defense in violating the LTBT. The Soviets have labored under this burden for many years, and have not gone forward with any river-diversion or canal-building project. What they have tried to do is co-opt the US into sharing this problem with them—e.g., by advocating international agreement on “acceptable” levels of radioactivity, which could then be “interpreted” as an adequate index of compliance with the LTBT. Such a relaxation of the radioactivity prohibition would both loosen the present inhibitions on underground weapons testing and weaken the protection which the treaty affords to the environments of neighboring states and international waters.

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<sup>3</sup> In a February 8 news conference, Carter said that he had “called upon the Soviet Union to join us in a comprehensive test ban to stop all nuclear testing for at least an extended period of time, 2 years, 3 years, 4 years. The Soviets are interested in using nuclear explosives to divert the course of a river in Northern Russia. I don’t think they need to test any more. If they want to put that as a proviso in the agreement that they would like to go ahead and divert that river, I think that would be something that we could negotiate and let us have observers there to learn from them and vice versa. But I think that the initiation of proposals that might be mutually acceptable of the kind is very, very important.” (*Public Papers: Carter, 1977*, pp. 92–100)

(9) The USSR has not expressed any interest in seeking an amendment to the LTBT to accommodate excavation-type PNEs. Amendment would not be possible without the assent of the US and the UK. Moreover, an amendment that relaxed the radioactivity limitation of PNEs for all parties would reduce the value of the LTBT as an inhibition on nuclear explosive development by non-nuclear-weapon states, while an amendment which relaxed that limitation only for nuclear-weapon states might well fail to be adopted by the requisite majority of parties to the treaty.

(10) The Soviet Union did agree to inclusion in the PNE Treaty of an operative reaffirmation of the obligation to comply with the LTBT—albeit with a display of real or feigned reluctance.

(11) The draft text of a CTB Treaty proposed by the USSR in the UNGA would prohibit all nuclear weapon tests but would allow PNEs to continue under the terms of a separate agreement.<sup>4</sup> The language of their proposed preamble and operative provisions point rather clearly to a process in which the new treaty would replace the LTBT and the LTBT would cease to be operative. This scheme, if allowed to proceed, would leave PNEs to be governed by new provisions which would presumably not include the “no radioactive debris” element that is the substance of LTBT limitation on underground nuclear explosions.

#### NON-PROLIFERATION

(12) If any technological criteria—valid or contrived—ever are set forth to distinguish between weapon and non-weapon explosions or explosives, then a principle argued by many potential proliferators will have been explicitly affirmed. There were some discussions of this matter during the PNET negotiations, and the point was clearly taken as a very serious one by the Soviet side.

(13) A major objective of establishing a CTB would be to help prevent the further spread of nuclear explosive capabilities. A test ban which made an exception for PNEs would:

(a) legitimize PNEs as distinct from weapon tests and thus do major damage to our efforts to establish that PNEs must not be conducted by any non-nuclear-weapon state, since the technology of a nuclear explosive device for a peaceful application is indistinguishable from that of a weapon and its development is the development of nuclear weapons.

(b) if limited to nuclear-weapon states, create an excuse for not joining the CTB on the grounds that the treaty was “discriminatory” for a number of those non-nuclear-weapon states that we are most inter-

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<sup>4</sup> “Soviet Draft Treaty Introduced in the First Committee of the General Assembly on the Complete and General Prohibition of Nuclear-Weapon Tests,” November 22, 1976. (*Documents on Disarmament*, 1976, pp. 820–824)



ested in having join the treaty (e.g., India, Israel, Pakistan, Argentina, Brazil). Joining in a CTB that banned PNEs for all parties is probably the most promising way to head off a second Indian explosion.<sup>5</sup>

(c) if not limited to nuclear-weapon states, undermine the non-proliferation benefits of the CTB, create an intractable problem of devising criteria and verification schemes and negotiating them with all parties involved, and discriminate against parties to the NPT (who have foresworn such explosions) in favor of non-parties.

**Leon Sloss**

*Acting*

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<sup>5</sup> India conducted its first nuclear explosion on May 18, 1974.

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#### **146. Paper Prepared by the Special Coordination Committee Working Group on Nuclear Testing<sup>1</sup>**

Washington, undated

[Omitted here are a cover page and table of contents.]

##### *EXECUTIVE SUMMARY*

##### *I. Introduction*

PRM–16 of January 25 directed that the Special Coordination Committee undertake a preliminary review of the major issues involved in the termination of all nuclear testing.<sup>2</sup> Included were to be an analysis of the problem of verifying a complete prohibition of weapons tests and peaceful nuclear explosions (PNEs), an analysis of the effects of such a prohibition on the US and Soviet nuclear weapons programs, and a discussion of the various scenarios which might be utilized in moving toward this goal, including both moratoria and more permanent types of agreement. A discussion of the pros and cons of moving ahead with ratification of the Threshold Test Ban (TTBT) and Peaceful Nuclear Explosion (PNET) Treaties currently before the Senate was also to be included. The attached report was prepared by an SCC Working Group in response to PRM–16.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 Test Ban (Jan–July) 1977. Secret. Attached to a February 16 covering memorandum from NSC Acting Staff Secretary Michael Hornblow to Mondale, Vance, and Brown. (Ibid.)

<sup>2</sup> See Document 141.

## II. *Recent US and Soviet CTB Statements*

The US has long declared its support of the goal of an adequately verified prohibition of nuclear testing and has undertaken commitments in treaties such as the Limited Test Ban Treaty (LTBT), Non-Proliferation Treaty (NPT), and Threshold Test Ban Treaty (TTBT) to work toward that goal. Since assuming office, the President has on several occasions strongly expressed his intention to move immediately and aggressively toward cessation of all nuclear weapons testing.

Advocacy of a complete cessation of nuclear weapons testing has long been a central feature of Soviet declaratory foreign policy. A recent public declaration of this policy was contained in the September 23 speech of Foreign Minister Gromyko before the UNGA<sup>3</sup> and a Soviet memorandum on disarmament<sup>4</sup> which was subsequently circulated as a UNGA document. The two statements were notable in that they conveyed the impression that verification measures beyond national technical means, including some limited form of on-site inspection, might be negotiable. This position had been signaled to US Ambassador Stoessel last Spring by Gromyko and one of his deputies in conversations which also hinted at some flexibility in the established Soviet position that all nuclear powers would have to participate in a CTB.<sup>5</sup> A draft CTB Treaty tabled by the Soviets at the UNGA in November contains a provision for "voluntary" acceptance of on-site inspection,<sup>6</sup> but does not extend the scope of prohibition to include PNEs.

## III. *Historical Background*

The concept of nuclear test bans as measures independent of more comprehensive disarmament arrangements dates from the middle 1950s when first India and later the Soviets proposed test bans that did

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<sup>3</sup> Gromyko actually spoke on September 28, 1976. He said that "nuclear weapons testing should be stopped everywhere and by all. This would put an end to the qualitative improvement of those weapons." He also charged that "the start of negotiations on this question is being unjustifiably delayed. The problem here is not the absence of objective conditions—they have long existed—but the unwillingness of some nuclear Powers to begin negotiations." (*Documents on Disarmament*, 1976, pp. 643–650)

<sup>4</sup> On September 28, 1976, the Soviet Union introduced a resolution at the UN General Assembly that claimed it was "prepared, as it has been in the past, to conduct negotiations on the most radical disarmament measures, going even so far as general and complete disarmament." Among other measures, the resolution called for "the prohibition of all nuclear-weapon tests. This problem," the Soviets contended, "should be tackled without waiting for the outcome of negotiations on complete nuclear disarmament." ("Soviet Memorandum on Questions of Ending the Arms Race and Disarmament [Extract]," September 28, 1976, *Documents on Disarmament*, 1976, pp. 631–641)

<sup>5</sup> The Gromyko-Stoessel conversation occurred on April 12, 1976 and is reported in telegram 5682 from Moscow, April 13, 1976; National Archives, RG 59, Central Foreign Policy File, D760143–0740.

<sup>6</sup> The proposal is available in telegram 279503 to Colombo, November 13, 1976; National Archives, RG 59, Central Foreign Policy File, D760425–0034)

not contain verification provisions. In March 1956 the Soviets declared a suspension of testing and called upon the West to follow their example, but the US and UK declined to do so because of the verification problem, and in October the Soviets resumed testing.

In the summer of 1958 the US, UK and USSR agreed to commence negotiations for a test ban treaty that would include an international system of control posts, and the US and UK proposed a reciprocal suspension of testing for one year from the commencement of negotiations. The Soviets ceased testing in November, and this moratorium lasted until 1961. In December 1959, we announced that we felt free to resume testing but did not do so. In 1959 and in March of 1961 the Soviets informed us that they considered that continued testing by France was giving NATO a unilateral advantage. In August 1961 they announced that they would resume testing and did so with an intensive, well-planned program. Although the US responded with a proof test of a stockpiled weapon within a few weeks, due to the decline of the weapons program during the moratoria it was well over a year before a developmental test of any significance could be conducted.

The first agreement concerning limitation of nuclear testing to be achieved was the Limited Test Ban Treaty of 1963 which banned explosions in the atmosphere, outer space and under water. The Non-Proliferation Treaty of 1968 recognized the connection between the cessation of weapons testing and the achievement of non-proliferation objectives, and obliged its parties to pursue good-faith negotiations toward that end. The TTBT and PNET, signed in 1974 and 1976 respectively, will, if ratified, limit the yield of individual US and Soviet nuclear explosions to 150 kilotons.

Although the US has long been politically committed to the concept of an adequately verifiable CTB, the issues of verification and adherence have been among the obstacles to a serious attempt to reach that goal. We have taken the position that national technical means alone are not adequate for verification and that some measure of on-site inspection would be required for adequate assurance of treaty compliance. The question of the need for adherence by all nuclear weapons states has also been an obstacle, in that the Soviets have stated it as a condition precedent to an agreement, and the PRC and France have adamantly refused to consider a CTB. (For the last few years, the US has not expressed a position on the adherence issue.) As discussed in Section II, there are now some indications of Soviet flexibility on these issues.

#### *IV. Key CTB Considerations*

##### *A. Verification Capability*

The historical record shows that the Soviets, in complying with international treaties and agreements, can be expected to exploit fully the

limits specified in these treaties. This has been our own experience in verifying both the SALT ONE accords and LTBT and, more recently, the 150 kt limit of the TTBT. However, a nuclear test under a CTB would constitute a major and deliberate violation and despite their tendency to take advantage of loopholes, we have no evidence of any such gross violation of an arms control agreement. Nonetheless, it is important in any CTB considerations to recognize the limits that can be achieved in detecting and identifying nuclear explosions and to understand fully the impact that testing at or below these limits would have on US national security. At the same time, it is important to recognize that the Soviets would be uncertain as to the specific limits of our detection capability, and the potential consequences of being caught could be expected to constrain the political leadership from cheating unless there was an urgent national security reason for doing so. The US can verify a comprehensive test ban only above certain yield thresholds which are established by the capabilities and limitations of US national technical means, and by the extent of Soviet efforts to evade US surveillance. At current test sites and under current Soviet test practices, this threshold is very low. However, assuming they are willing to test underground in seismic or remote ocean areas and take measures to conceal the nature of their test operations, [14 lines not declassified]

[1 paragraph (12 lines) not declassified]

The Soviets undoubtedly have a better capability than the US to marshal resources to accomplish evasive testing at yields of a few kilotons. If the Soviets were to carry out nuclear tests in evasion of the provisions of a CTB Treaty, they could continue the development of some nuclear weapon systems. By conducting tests at or below our detection threshold, they would be able to improve their design capabilities in areas such as tactical weapons, certain ABM systems, and weapons effects. The conduct of such tests would make it easier in the long term for them to maintain some measure of their scientific, engineering and computer capabilities relating to the design and stockpile maintenance of nuclear weapons.

There are, however, several factors that would mitigate the incentive to conduct such low-yield evasive testing. [4 lines not declassified] the possibility that even a low-yield test might be detected and identified. The Soviets would also have to take into account the fact that information on an evasion program might become available from human sources.

#### *B. Impact on US/Soviet Weapons Programs*

The US has conducted over 480 underground nuclear weapons tests since 1963, of which about 300 were under 10 kt. [2 lines not declassified] The US in general has developed a wider selection of nuclear

warheads which probably are more advanced technologically. [3 lines not declassified]

A mutual cessation of testing would essentially freeze nuclear weapons technology at current levels for both sides.

In the short term, the effect of a CTB on US strategic systems would be to inhibit development of optimum, cost-effective upgrades in US strategic deterrent and warfighting capability. Weapons which could be affected to some degree include B-77 (the new strategic bomb), M-X, Evader MARV and MK-12A. The impact would be much more severe on the tactical nuclear systems upgrade currently planned. An immediate cessation of testing would preclude much of the theater nuclear forces improvement program which is currently underway. These improvements are designed to provide tactical weapons with increased flexibility, reduced collateral damage, improved safety and security, and faster response time. The major portion of our current tactical nuclear weapons stockpile was developed prior to 1965 and lacks these features. As indicated in Table I,<sup>7</sup> a prioritized test program of up to one year's duration would permit completion of some of this programmed improvement in the tactical area, but completion of some strategic programs would require two years. (The MK-12A warhead and B-77 bomb could probably be completed within one year, however.)

Some of these key programs, including the low SNM options for the MX, and the Cruise Missile, may well experience one or more test failures and therefore be impossible to complete in the projected time frame. There are others for which development has been started at DOD request, but for which testing could not be completed within two years under the most optimistic conditions. These include Standard Missile 2, PERSHING II and the Minimum Residual Radiation (MRR) tactical bomb. Under normal conditions, these programs would be continued for as long as necessary to complete their essential testing.

In the longer range (out to twenty years), US research shows that the US should be able to achieve many new capabilities to meet anticipated DOD requirements. These include, as examples: (1) New designs employing current technology to meet new, more stringent Defense requirements for radiation hardness, warhead size and weight, and warhead delivery modes; (2) Higher yields with reduced weight and smaller size to meet the requirements for the next generation MIRVs, or for new artillery shells; (3) Whole families of low residual radiation bombs and warheads which obtain a very small fraction of their yield from fission; (4) Very small, very clean weapons that provide a few tens of tons yield in a few tens of pounds; and (5) New bombs and warheads

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<sup>7</sup> Attached but not printed.

which are safe against misuse, tampering, HE detonation from impact, and plutonium scattering.

A mutual cessation of testing would prevent the Soviets from fully exploiting their missile throw-weight advantage through optimum MIRVed warhead development. This probably would not affect current Soviet strategic systems (e.g., SS-17, 18 and 19) but would constrain their expected follow-on ICBM, SLBM and cruise missile systems. [2 lines not declassified]

Design capability on both sides would degrade eventually under a mutual cessation of tests. The Soviets might have some advantage in slowing this degrading through provision of domestic political incentives to their scientists and if necessary conscripting their services, and through evasive testing (although, as noted earlier, this would involve a major decision by the Soviet leadership, and slowing this degradation might not offer enough advantage to justify the risk). On the other hand, the US leads the USSR in computer hardware and software to simulate and model new weapons design, but would probably not stockpile new weapon designs without testing.

It is difficult to assess the relative impact of a mutual testing cessation on stockpile reliability. This is a very contentious issue and little is known about whether present reliability levels can be maintained under a CTB or, if not, about the strategic significance of any degradation. The Soviets might have an advantage due to [less than 1 line not declassified] their ICBM throw-weight advantage, and perhaps a better ability to marshal laboratory resources in a CTB context. On the other hand, the US might have an advantage due to its better quality control, computer simulation and componentry testing. Because of the relatively rapid introduction of new systems in the US stockpile, it has not been generally necessary to conduct confidence testing in order to assess reliability. [less than 1 line not declassified] There is general agreement that stockpile reliability degradation would be slight over the short term (e.g., up to 5 years) but could become more significant in the longer run (e.g., 10 to 20 years). The degree to which stockpile reliability degradation would be significant to national security would depend on our ability to continue manufacture of old designs and components, and on perceptions of the relationship of stockpile reliability for deterrence and war-fighting capability.

Many weapons design experts believe that in the long run (20 years), there would be a nearly complete loss of confidence in the reliability of our stockpile. Others believe, however, that this judgment overstates this loss of confidence since a properly drawn CTB agreement would impose substantially similar constraints on the US and USSR and it may overstate the stockpile reliability problem in that no

comprehensive effort has yet been undertaken by the US to establish designs, facilities and procedures to cope with this unique situation.

It would be appropriate to consider possible safeguards in the context of a mutual cessation of testing, such as the ones which were adopted following the LTBT. These safeguards would include attempting to maintain an R&D and production capability, simulation, and readiness to resume testing if necessary; and pursuit of an aggressive program to improve US verification capabilities.

*C. Significance of Low-Yield Clandestine Testing.* Although the significance to deterrence and stability of a possible decline in nuclear weapons design capability and a stockpile reliability is difficult to assess, it is in this area that concerns about possible asymmetries are most acute. [5 lines not declassified]

Thus it is important to examine the military importance of testing in these low-yield ranges. There are defense needs for very low-yield nuclear weapons such as the HARPOON anti-ship missile, anti-submarine torpedoes, air defense weapons and precision guided air-to-surface weapons. These warheads could be developed with testing in the sub-kiloton range, and it is obvious that such testing would contribute significantly to maintaining a viable weapons design capability and some stockpile reliability problems could be solved. [5 lines not declassified]

It is questionable whether such [less than 1 line not declassified] testing would provide such sufficient military advantages that the Soviet leadership would be willing to assume the risk of violating the CTB Treaty with its attendant costs to their relationship with the US and their international stature. Nevertheless, it might be possible to significantly reduce such incentives and asymmetries by defining nuclear tests under a CTB as applying to events of nuclear origin [1 line not declassified] At least at these larger yields, however, the treaty should clearly be labeled a threshold ban rather than a CTB, and the perception that testing would continue would reduce the non-proliferation benefits. It could be defended, however, as [7 lines not declassified] Little work has been done on this definitional issue, and further study would be necessary to determine whether a definition could be found that would minimize possible asymmetries in the areas of stockpile reliability and maintaining design capability without significantly undermining the non-proliferation impact of a CTB. Alternatively, it can be argued that the Soviets would not exploit such opportunities and that, in any event, the national security significance of these potential asymmetries would be outweighed by the beneficial impact of a CTB on US-Soviet relations and in limiting nuclear proliferation.

#### *D. Nuclear-Weapons States Participation*

Even after a bilateral/multilateral CTB has been achieved, it is likely that China, France, and perhaps other nations would continue to

test. China has accorded high visibility to weapons testing which it has indicated that it would continue, and could be expected to severely criticize a CTB as superpower collusion. While we could not expect to alter Peking's opposition to a CTB, we should consult with them early in the process to minimize any possible concerns that we would seek to isolate or embarrass them through a CTB.

Similarly, it may be expected that France will be reluctant to adhere to any test-limiting agreement within the near term. (Embassy Paris reports that even a leftist government would be expected to continue testing in the near term.)<sup>8</sup> They are currently in the midst of major strategic and tactical weapons modernization efforts. The UK, on the other hand, although concerned as to whether its Polaris Improvement Program could be completed, could be expected to respond favorably to a US CTB initiative and adhere to a CTB agreement.

The fact that some nations, particularly China, will continue to develop nuclear explosives would undoubtedly be viewed with concern by the Soviet Union. However, since current Chinese weapons technology is believed significantly inferior to that of the US and USSR, the Soviets would probably be less concerned about a short-term continuation of Chinese testing. In the long term, this situation would be viewed as a serious problem by the Soviets and could even pose a problem for the US from the national security standpoint. The result is that an indefinite duration CTBT without periodic reviews is unlikely to be acceptable to the Soviets. A more realistic test ban goal for both US and Soviet interests would be a treaty which had to be reviewed periodically and which provided a supreme interests escape clause.

#### *E. Allied Perceptions*

Allied confidence in the reliability of our commitment to their security is based on their perceptions of a number of factors including the quality and level of US conventional forces assigned to their defense, the quality and level of US tactical and strategic nuclear forces relative to those of their potential adversaries, alliance doctrine and declaratory policy on the use of nuclear weapons and their perceptions of US political will to defend them. A mutual cessation of testing by the US and USSR would probably not, in and of itself, particularly concern them. Indeed, most have strongly supported the concept of a CTB in their declaratory policies. However, if it were to be interpreted by them as a signal of the beginning of US disengagement from its commitment, this would create the potential for serious political and non-proliferation considerations. Thus, while all our allies except France would publicly

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<sup>8</sup> The report is available in telegram 3727 from Paris, February 7. (National Archives, RG 59, Central Foreign Policy File, D770042-1173)



support a US CTB initiative, careful consultations would be required to reassure them as to the constancy of our purposes.

There is a special problem with NATO allies who regard our theater nuclear capability as a major deterrent against Soviet aggression in Europe. We have assured the allies that we intend not only to maintain but to upgrade and modernize this capability unless mutual reduction of forces with the Soviet Union are negotiated. Allied concern has been with war-fighting capability as it affects deterrence, but we believe they would be willing to forego modernization in a CTB context. In fact, while the Allied interest in maintaining a large and viable stockpile remains high, there has been some concern over technological improvements that could be viewed as increasing the likelihood of using these weapons on Allied territory. While theater force modernization is not an issue with our Allies in the Far East, there is still some concern resulting from the Vietnam debacle that the US may lose interest in the region. Thus they would be sensitive to any implication that the US might be less willing and less able to carry out its security commitments. Steps would have to be taken to assure all our allies that we could maintain a credible nuclear deterrent posture under CTB conditions.

#### *F. Non-Proliferation*

The objective of preventing the proliferation of nuclear explosive capabilities has been identified as a major focus of US foreign and national security policy. A CTB is widely perceived as an important step towards this objective. A prohibition on nuclear testing would impose a significant constraint on the development of a nuclear weapons capability for those states adhering to the measure, even though the possibility exists for technically advanced states to obtain a relatively crude nuclear weapons capability without testing. In addition, a CTB is seen by non-nuclear weapon states as a key step by the nuclear powers required to balance the self-denying obligations other countries accepted in the Non-Proliferation Treaty.

It is doubtful that states apparently intent on keeping the nuclear explosives option open (e.g., Argentina, Brazil, Taiwan, South Korea, and Pakistan) would, at least at present, be prepared to join a CTB, but the political costs to them of a decision to go nuclear would be increased. On the other hand, a number of states that have not adhered to the Non-Proliferation Treaty but have gone on record as supporting a CTB, might well decide to join. Examples are South Africa, Spain, Turkey, Chile, Algeria, Indonesia, and Egypt. Even in the case of India, an early cessation of US and Soviet testing might persuade them to defer further testing.

The conclusion of a CTB can be expected to improve international perceptions of the Non-Proliferation Treaty and raise the barriers to

possible withdrawal from the treaty. The practical implications of this perception are difficult to predict, especially for those states that currently pose the most serious proliferation risks. However, for some countries, a CTB might well tip the balance of a decision against going nuclear or retaining a nuclear option.

An important factor enabling most of our NATO allies, Japan and South Korea to forswear the development of nuclear weapons has been confidence that their security requirements would be adequately met in the context of their alliance relationship with the US. If the CTB were perceived as indicative of a general US intention to withdraw over time from its military and political commitment, it could have adverse implications for non-proliferation. CTB negotiations should therefore be accompanied by extensive consultations and corollary policies to assure our allies that a CTB will not erode their security.

#### *G. Stability Implications*

It is difficult to assess the impact of possible diminished confidence in stockpiled nuclear weapons on stability. To the extent that some degradation were perceived to occur, a nuclear weapons state would have somewhat less confidence in its ability in the future to develop and maintain a disarming first-strike capability against the other side's strategic missiles and reduced confidence in its second-strike capability or any other strategic objectives as well. In either case, possible degradation would be less significant in the shorter run. In any event, despite possible decreased reliability of their weapons, both sides would continue to be able to inflict massive damage on soft targets and population of the other side, due to the large numbers and capabilities of present strategic weapons. If the numbers of weapons were reduced to much lower levels, under a future SALT agreement, however, their decreased reliability could be more important.

Some believe that a CTB could enhance strategic stability in that due to gradual degradation in stockpile reliability of both sides, there would be reduced confidence in abilities to successfully carry out a disarming first-strike. Others believe that a CTB could create instabilities since if first use of nuclear weapons was considered less likely, the Soviets might be tempted to take advantage of their conventional superiority in Europe. Finally, if numbers of weapons were reduced to very low levels and if the decline in their reliability was perceived as asymmetric, there could even be incentives to strike first while there was still high confidence in one's own weapons, or, subsequently, to strike first if the other side's retaliatory forces were perceived to be ineffective.

#### *H. Impact on US-Soviet Relations*

Comprehensive test ban negotiations would be but one strand in the interlocking web of US-Soviet relationships in which vital arms

control negotiations and agreements play a central role. A ban on nuclear weapons testing is a declaratory goal of Soviet foreign and arms control policy, and successful conclusion of such an agreement would have certain beneficial results for the overall US-Soviet relationship.

The Soviets view a ban on nuclear weapons testing as a means both to separate Washington and Peking and to de-emphasize the competitive military component of US policy toward the Soviet Union—both primarily political goals which fit in with Moscow's other efforts to derive the benefits of a more composed relationship with the West. Secondarily, the Soviets hope to isolate France, as well as China, as arms control hold-outs, and to lessen the likelihood of nuclear proliferation, particularly along the Soviet periphery.

Given the limited sphere of US and Soviet overlapping interests, movement toward further limits on nuclear testing would serve as a counterweight to more competitive aspects of the relationship (for example, potential US-Soviet disagreements on southern Africa, the Middle East, or Eastern Europe). US movement toward testing restraints before Chinese accession would compensate, at least partially, in Moscow's eyes, for American actions to normalize relations further with Peking. The divisive potential of a comprehensive test ban for Sino-American relations, however, may be a central element in Moscow's calculations.

The political benefits to US-Soviet relations of further testing limitations would be lessened to some extent by whatever strains emerged in negotiating mutually acceptable provisions on verification, peaceful nuclear explosions, and, possibly, participation. Nonetheless, a negotiated long-term agreement would greatly reduce the possibility of using renewed testing as a political tool (as the Soviets did in the 1958–61 Berlin crisis).<sup>9</sup>

A moratorium on weapons testing as an interim measure before negotiation of a full test ban agreement would probably have an initially positive effect on US-Soviet relations, but would run the risk both of being manipulated for political ends and of reducing pressure for early conclusion of a negotiated agreement.

### *V. General Conclusions*

This section sets forth general conclusions on some of the issues raised in PRM-16; the following sections present general options for decision.

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<sup>9</sup> On November 27, 1958, Soviet Premier Nikita Khrushchev announced that he would unilaterally recognize Eastern Germany as a sovereign state, touching off the 1958–1961 Berlin Crisis, which culminated on August 13, 1961, when East German troops and workers began building the Berlin Wall.

### A. *TTB/PNE Ratification*

As requested in the PRM, the issue of ratification of the TTB/PNE Treaties has been analyzed in the context of alternative approaches to a CTB. Arguments in favor of ratifying these treaties include:

—The Soviet leadership is firmly committed to these treaties as tangible evidence of the benefits of US-Soviet cooperation, and have repeatedly stressed the importance of their ratification.

—There would appear to be a distinct advantage to the US in codifying the innovative verification provisions of these treaties both in the CTB context and in other arms control areas.

—The treaty provisions would be helpful in verifying the present mutual restraint in limiting tests to 150 kt, particularly if CTB negotiations are prolonged.

—It would also be advantageous to ratify the treaties to preclude Soviet renouncement of this constraint and resumption of high-yield testing.

On the other hand, critics of the treaties have argued that the 150 kt threshold is too high and that the PNE Treaty would legitimize PNEs. However, these treaties represent the first real progress towards a CTB in many years and an Administration perceived as urgently working towards a CTB should have little difficulty in overcoming any opposition to ratification.

As a result, there is consensus in the Working Group that these treaties should be ratified as a common step in all of the alternative approaches to a CTB which follow.

B. *Participation in Negotiations.* There is also interagency agreement that, whether or not preceded by a moratorium, a CTB should be embodied in a binding international agreement open to all states; that any CTB initiative should be preceded by thorough consultations with our allies; and that CTB negotiations should begin with a bilateral US/Soviet phase (possibly trilateral, including the UK), and should eventually proceed to a multilateral phase in which the agreement would be concluded. There is also agreement that such multilateral agreement would probably not take effect in the foreseeable future if it required adherence by all nuclear powers before entry into force. Accordingly, if we decided to commence CTB negotiations at this time, the most realistic near-term possibility would be an agreement of limited duration that needed only US and Soviet adherence to enter into force. The question of possible LTBT amendment as the enabling mechanism for a CTB was investigated on a preliminary basis. There would be obvious difficulties in managing a 103-nation negotiation and some risk that the LTBT might be undermined in the process. It might be possible to “bind” countries, such as Egypt, Israel or Brazil, who are parties to the LTBT but have refused to accede to the NPT. However, these countries could find a pretext to withdraw from the LTBT if they perceived it in

their interest to do so. These issues are complex and would require extensive further study both from a policy and legal standpoint prior to a determination whether LTBT amendment could be a desirable multilateral basis for a CTB.

*C. Moratorium Concerns.* The implications of both unilateral and bilateral moratoria have been considered as a means to a cessation of testing. As noted above, our previous experience with the Soviets concerning a testing moratorium in the late 1950s was an unfortunate one, and as a result there would be substantial opposition to a moratorium without active CTB negotiations at this time. A unilateral moratorium might have non-proliferation advantages but would suffer from the serious disadvantage of permitting the Soviets to continue testing and might allow them to complete priority tests before halting their own program. Even if the moratorium were bilaterally undertaken, there would be an obvious disadvantage in that there would be no verification provisions to assist us in monitoring Soviet compliance. As a result there is interagency agreement in the Working Group that a moratorium should only be considered during negotiations toward a formal verifiable agreement and that, even in this case, the moratorium should have a tight time limitation to provide leverage in the negotiations and avoid an indefinite moratorium.

#### VI. *The CTB Decision*

This section discusses the national security advantages and disadvantages of a CTB. The arguments which favor a CTB are:

—A CTB is a key element in achieving the US objective of curbing nuclear weapons proliferation, because:

(1) As indigenous nuclear capabilities spread to many countries, political decisions to refrain from building nuclear weapons will be increasingly dependent on whether the US and USSR are perceived to be accepting restraints on their nuclear arms. A CTB is widely considered to be a main symbol of such restraint.

(2) Some states which have not signed the Non-Proliferation Treaty might accept the constraints of a CTB.

(3) The Non-Proliferation Treaty regime would be strengthened, and potential withdrawals made less likely, if the nuclear powers fulfilled their pledge in that treaty to stop nuclear testing.

—A CTB would reinforce SALT agreements and have a positive effect in improving the overall US–USSR relationship.

—A CTB would impose significant restraints on the US–USSR arms race by prohibiting further refinement of nuclear warheads and by prohibiting nuclear weapon effects tests.

—By reducing Soviet confidence in the long-term reliability of their missile warheads, a CTB would reduce the risk of their employing a first-strike strategy.

—A CTB would be responsive to growing international and domestic political pressures to end nuclear testing. It would fulfill US pledges to seek this goal which have been made in the Limited Test Ban Treaty, the Non-Proliferation Treaty, UN and CCD speeches, and most recently, by President Carter.

*Arguments against a CTB are:*

—Since World War II the US has depended on nuclear weapons to deter nuclear and conventional attacks on the US and its allies. In particular, nuclear weapons have served to counterbalance the overwhelming superiority of Soviet conventional forces in Europe. A CTB will inevitably result in some deterioration of US nuclear weaponry.

—If the Soviets decide to violate or circumvent the CTB Treaty and are successful, at least in the low-yield range, this could result in further military asymmetries favoring the Soviet Union.

—Future foreign concern over US capability to oppose Soviet aggression in the event of a perceived degradation in our nuclear deterrent could result in international realignments and possibly further proliferation.

—Specific strategic and tactical weapons will not be optimized and may even have to be cancelled because of technical difficulties.

—Continued testing by other weapons states, notably China, could eventually have an adverse effect on US national security.

—An early cessation of nuclear testing would eliminate our current objectives to improve the safety, security, command/control features, and reduction of collateral damage from all classes of nuclear weapons.

—The Soviets could have an asymmetric advantage in maintaining stockpile reliability and nuclear weapons design capability.

—[2 lines not declassified] Such testing could be important for development of some tactical weapons.

## VII. CTB Implementing Options

### A. Negotiations with Continued Testing

Under this option we would initiate CTB negotiations with the Soviets as soon as practicable, but would continue testing pending conclusion of a CTB Treaty. (It is considered likely that negotiation of a CTB would take at least a year, particularly if PNEs were allowed.)

#### *Advantages*

—Together with renewed SALT negotiations, would demonstrate US commitment to arms control and enhance prospects for our non-proliferation objectives.

—Would be constructive step in US-Soviet relationship and could improve prospects for accomplishment of other US bilateral objectives with the Soviets.

—Due to likelihood of protracted negotiations, would permit accomplishment of some planned US weapons testing objectives.

#### *Disadvantages*

—Could be criticized for permitting continued testing, particularly if negotiations were protracted.

—Alternatively, if negotiations were completed quickly, could preclude completion of any remaining US weapons test objectives.

—Similarly, the Soviets might exploit the situation by announcing an immediate moratorium and calling for the US to halt testing, thus making it difficult for the US to continue testing.

#### *B. Negotiations with Cessation of Testing*

This option is essentially the same as option A, except that we would seek a time-limited bilateral moratorium on testing during the negotiations.

#### *Advantages*

—It would restrain the Soviets from improving their nuclear warheads or correcting possible deficiencies during a possibly protracted period of negotiations.

—It would be widely supported internationally as clearly demonstrating US and Soviet good-faith commitments to fulfill their non-proliferation treaty pledge to end nuclear testing.

—It would strengthen US efforts to dissuade India and other nations from further testing.

#### *Disadvantages*

—It would preclude completion of certain planned strategic and tactical weapons tests programs.

—During the period of the moratorium, we would be limited to national means of verification only, thereby increasing the risk of clandestine Soviet testing at low yields.

—If prolonged, a moratorium could result in loss of skilled personnel from the US weapons program, as well as funding reductions by the Congress. In that case, subsequent failure to achieve a permanent CTB and resumption of testing by both sides could leave the US at a disadvantage.

#### *C. Phased Approach*

The primary difference between this option and Option A above is that this option would defer CTB negotiations for perhaps two years to provide for a deliberate linking of the various steps required to reach any CTB with satisfactory progress on a wide variety of other arms control measures and demonstration of Soviet commitments to a stable US/USSR national security relationship.

The following pros and cons are in addition to those in Option A above.

#### *Advantages*

- Provides time for multinational exploration on verification measures which could be incorporated in an eventual CTB.

- Provides experience in implementing TTB/PNE Treaties and in assessing Soviet cooperativeness with regard to these treaty provisions.

- Provides time for a US assessment of progress on a broad range of the US/USSR security relationships.

#### *Disadvantages*

- Would be viewed by some as inconsistent with stated US objective of prompt cessation of testing, and thus could complicate TTB/PNE ratification.

- Would probably delay the earliest date of a CTB agreement.

- Possible non-proliferation benefits would be deferred until favorable CTB decision is clearly demonstrated by initiating CTB negotiations.

- Would defer possible benefits to US-Soviet relationship.

#### *D. Lowered Threshold*

This option could be accomplished as an additional step in either Option A or C above. It would involve lowering the threshold at an early date to perhaps 75 kt or so, and could also include further scheduled reductions towards a very low threshold or CTB. This might provide some of the non-proliferation advantages of a moratorium with reduced verification risks, and at 75 kt would permit completion of much of our tactical weapons modernization effort. It could also assist us in ratification of the TTB/PNE Treaties by demonstrating the President's commitment to progress in this area and would mitigate criticisms that the 150 kt threshold is too high. If the period of testing at 75 kt were prolonged, however, it would be desirable to review and possibly amend the TTB/PNE Treaties to ensure adequate verification. (This could be a complex negotiation in itself.)

### *VIII. PNE Accommodation Considerations*

#### *A. Introduction*

Since the initiation of US arms control policy to limit nuclear weapon testing, it has been recognized that peaceful nuclear explosions (PNEs) present special and difficult problems for the achievement of an adequately verified test ban. In seeking a test ban agreement with the Soviet Union, the US must take account of the facts that the US currently has only a very small PNE program while the Soviets have an active PNE program and have expressed their desires and plans for continuing that program during a test ban. Because of economic factors,



environmental concerns, and other factors, it is assumed unlikely that the US would embark on a large-scale PNE program after entering into a weapons test ban. However, it is possible that the US would pursue a limited PNE program, possibly within the confines of the Nevada Test Site.

The Soviet PNE program is very broad in scope and includes water resource development, oil and gas stimulation, mining, storage and disposal of wastes, storage of petroleum and other hydrocarbons, and extinguishing gas well fires. The Soviets claim to have reduced the last two applications to practice, but most of their PNEs have been experimental in nature. The best known Soviet PNE project is their plan to build a canal to reverse the head waters of the Pechora River to flow into the Kama, Volga, and then the Caspian Sea. This is a major project which at one time was described as requiring as many as 250 nuclear explosives fired in salvos of up to 20 explosives at a time. The Soviets conducted one PNE salvo along the canal route in 1971 and have had a second apparently ready for firing for more than a year. There is some uncertainty as to whether the Soviets will proceed with this project, and substantial engineering and feasibility questions probably remain. However, at least five other PNE tests (for other applications) are known to be in preparation and the Soviets seem determined at present to continue their overall program. However, it is difficult to assess how strongly the Soviets would resist a US proposal to ban PNEs in the context of a CTB other wise acceptable to them, particularly if the PNE ban were only for a limited number of years.

#### *B. National Security Implications of PNEs under a CTB*

There is international agreement that the technology required for PNEs is indistinguishable from that required for nuclear weapons tests, and that any country engaged in PNE device development or testing inevitably receives weapons-related benefits. This agreement is reflected in the NPT, and one of the key objectives of our non-proliferation policy has been to deter non-nuclear weapon states from indigenous development of PNE technology.

Because of the indistinguishability of PNE technology and weapons technology, our lack of interest in PNE applications, and because of nuclear weapon proliferation considerations, there is complete agreement among the participants in this study that a CTB banning all nuclear explosions is more desirable from the US national security standpoint than a ban which accommodates PNEs. In the context of a ban of *all* nuclear explosions, including PNEs, the capability to verify whether a nuclear explosion has taken place is the same for both a PNE and a nuclear weapon detonation.

If peaceful nuclear explosions are allowed to continue in some form in the context of a comprehensive test ban, an opportunity for

evasion of test ban constraints is immediately introduced. Without adequate restrictions, ostensible PNEs could be exploited to gain practically any nuclear weapon-related benefits that can be achieved by a declared nuclear weapon test of equivalent yield.

Further, there is concern that an accommodation for PNEs could increase belief in the value of PNEs, thereby stimulating interest in indigenous PNE programs. This would diminish one of the principal non-proliferation benefits of a CTB which prohibited PNEs—namely, a closing of this avenue to potential weapons development (as in the case of India). A contrary but probably weaker effect would be that some states, which felt that they had a real economic need for PNEs, would continue to have an alternative to indigenous PNEs and thereby might accede to such a CTB.

Even with a PNE allowance, a CTB would act as an important political restraint on a decision to develop nuclear weapons overtly, and would deter overt political use of a weapons capability. Thus, while it is clear that a CTB banning PNEs would be highly preferable, one which allowed PNEs (if necessary to accommodate Soviet interests) would still probably contribute to our non-proliferation objectives and might have enhanced value in terms of its impact on the US-Soviet relationship.

### *C. PNE Accommodation Options*

If the Soviets insist on a PNE accommodation, the fundamental issue is whether a verification arrangement can be devised that would adequately protect US security interests. To reduce the weapon-related benefits attendant on accommodating PNEs under a test ban, restrictions would have to be devised that guard against: substitution of a weapon or weapon development explosive for the ostensible PNE explosive; detonation of a collateral weapon or weapon development explosive near the PNE, simultaneously or nearly simultaneously, with it; or acquisition of weapon effects data. A number of specific PNE verification procedures have been considered in an attempt to satisfy these general objectives; however, none would provide adequate unilateral assurance that the country testing the PNE would not obtain weapons-related benefits. Consequently, our attention has focused on highly intrusive cooperative verification arrangements which would seek to ensure that the US would share at least equally in any weapons-related data generated in PNE activities.

These procedures are extensions of the PNET provisions and as common elements include: (a) certification of the nature and peaceful purpose of each PNE project; (b) review of the proposed project by the verifying party on the basis of data supplied by host party; (c) observation of the preparation, emplacement, execution, and post-shot activ-

ities; and (d) on-site seismic monitoring. Opportunities for detection of a collateral clandestine test or weapons effects experiments would depend on the details of the on-site observation and monitoring that was permitted, the relative yields of the PNE and the clandestine weapons test, and national technical means. Four alternative, supplementary procedures are considered below:

*(1) Registration and Measurement of Explosive Characteristics*

This procedure consists of (a) registration of the characteristics of a limited set of explosives; (b) firing of the explosives by observers; (c) on-site electronic monitoring; and (d) collection of post-shot radiochemical samples. For this system of constraints, the parties would have to make available to each other the electronic signatures and radiochemical samples from the explosives they propose to use.

*Advantages:*

- May be easier to negotiate than other options considered; it permits host to use his own explosives.
- Least complicated of options.
- May be made multilateral.

*Disadvantages:*

- Stockpile reliability testing could be accomplished by preregistering stockpile weapon signatures.
- Radiochemical and electronic signatures may not suffice to identify adequately the character of the registered explosive.
- Radiochemical samples could be difficult and costly to obtain from deep contained explosions.
- Unforeseen circumstances may require new PNE explosive designs which could not be accommodated.

*(2) Warehousing*

This procedure involves international warehousing, whereby a stockpile of PNE devices provided by the US and Soviets adequate for several years of PNE applications would be established under international surveillance and used as needed for PNE applications.

*Advantages:*

- Reduces opportunities for checking weapon stockpile reliability.
- May be as negotiable as option (1).
- May be made multilateral.

*Disadvantages:*

- Requires large initial stockpile with attendant security problems and cost.
- Poses problems related to how the explosives in the stockpile could be maintained and how to replenish the stockpile without per-

mitting the introduction of new weapons for testing or the disclosure of design information.

—Unforeseen circumstances may require new PNE explosive designs which could not be accommodated.

—Some stockpile reliability testing could be accomplished by putting certain weapons in the PNE explosive stockpile.

### (3) *Explosives Supplied by Observing Party*

This procedure would include a provision that the observing party would supply, maintain custody of, and detonate the explosive. The procedure would presumably have to include a veto right for the supplying State with respect to safety and treaty obligations.

#### *Advantages:*

—Makes explosive substitution very difficult for PNE projects in host country.

—Because of possible large Soviet PNE program, US may supply many explosives helping to maintain US nuclear explosive design capability.

—Similar to IAEA PNE supplier approach, making it more acceptable internationally.

#### *Disadvantages:*

—Probably not negotiable because of Soviet concern that military advantages accrue to US, and because of US veto power.

—US may have problems of explosive supply, logistics and liability.

—Melt material left in host country is revealing of explosive design.

—Has US/USSR condominium aspects to other nations.

—USSR may test new weapon designs by providing PNE services to friendly states.

### (4) *US/USSR Cooperative PNE Program*

This last procedure is based on the establishment of a comprehensive and effective US/USSR PNE cooperative program that encompasses all aspects of PNE technology, including mutual disclosure or joint development of explosive designs. Such a cooperative program must include verification procedures that assure that the explosive used is of the same design as that disclosed or developed for the project. Both sides would share in the weapons-technology benefits of PNEs. This procedure could also include provisions to maximize non-nuclear assistance in the proposed projects in an attempt to reduce the numbers of nuclear explosives required.

#### *Advantages:*

—Allows US to obtain large amount of information concerning Soviet PNE program, and some insight into Soviet explosive design.

—Cooperative aspects could enhance US/USSR relations (détente), and might be negotiable for that reason.

—Cooperative US/USSR program may provide international PNE benefits not otherwise attainable.

*Disadvantages:*

—Arrangement might be criticized as a cooperative US/USSR weapon development program (condominium).

—Requires extreme care in the disclosure of design information to avoid enhancing existing Soviet weapon design capabilities.

—May not be negotiable with Soviets because of high degree of intrusiveness.

*D. Negotiating Strategy*

As outlined above, it would appear to be clearly in our interest to exert maximum pressure to convince the Soviets that PNEs should be banned under a CTB. If this proves unacceptable to the Soviets, an alternative would be to include in the CTB agreement a provision for consideration of a PNE accommodation at a later time. This was the final resolution of the Soviet desire for PNEs above 150 kilotons during the PNET negotiations.

If this approach proved unsuccessful, we might attempt to negotiate a PNE accommodation that would be restricted to the Pechora-Kama Canal project. This might be negotiable, would limit the scope of the Soviet PNE effort, and upon completion could lead to a complete test ban. There would be important disadvantages, however, in that since only the Soviets would benefit, other nations could criticize it as discriminatory.

More importantly, the project would involve only excavation explosions and we have repeatedly stated that major PNE excavation projects would violate the LTBT. This would preclude treating the LTBT problem as we did in the PNET by including a provision for strict LTBT compliance and not differentiating between contained and excavation PNEs. Finally, the project is so large, and would take so long (perhaps 10 years), that this option would not significantly reduce weapons-related benefits compared to a general PNE accommodation.

Under either the restricted Pechora-Kama or an unrestricted PNE accommodation, their negotiability would obviously depend on the degree of intrusiveness of the accommodation arrangement we selected. None of the four such arrangements outlined above has been examined in detail, and all should receive further careful review before proceeding with negotiation of any PNE accommodation.

**147. Letter From the Acting Administrator of the Energy Research and Development Administration (Fri) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, February 17, 1977

Dear Dr. Brzezinski:

Subject: Accommodating PNEs Under a Weapon Test Ban

This is to confirm ERDA's position on identifying the dangers to national security of a comprehensive test ban which accommodates PNEs. The original request to Heads of Agencies in PRM-16<sup>2</sup> included a preliminary review of the major problems of verifying a complete ban on all testing; weapons, as well as peaceful nuclear explosions. Since that time, the possibility of accommodating Soviet interest in using PNEs in the Pechora-Kama River Project has become a factor in the PRM-16 test ban review.

It has been established in technical reviews within ERDA and its weapon design laboratories that there is no known way to prevent the Soviet Union from gaining military benefits from a comprehensive test ban through low yield clandestine testing if a PNE accommodation is permitted. In addition, it will increase significantly both the opportunities and the yield ranges available for the Soviet Union to exploit for military advantage. Even under the situation of maximum use of U.S. nuclear explosives for PNEs in the Soviet Union, it would still be possible under a CTB for the Soviets to mask their own weapon tests as collateral explosions which would not necessarily be detected and identified.

As presently described, the Pechora-Kama Project is estimated to require 5-10 years for completion. In analyses conducted by the Lawrence Livermore Laboratory prior to the PNET, it was estimated that 250 to 300 separate explosions with salvo yields up to 3 megatons would be required. Bilateral treaty constraints on individual explosions to 150 kt and 1500 kt for salvo yield in accordance with the PNET would increase the numbers significantly, providing ample opportunity for Soviet weapon testing and technology acquisition under the guise of PNE.

In the past, the Soviets have made it clear that they are interested in a comprehensive test ban which accommodates PNEs. They have

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Comprehensive Test Ban Treaty 1977. Secret. Copies were sent to Harold Brown, Vance, George Brown, Sloss, and Turner.

<sup>2</sup> See Document 141.

stated in recent exchanges that they view the PNET as a basis for establishing a PNE accommodation under a CTB. The PNET threshold is tied directly to the 150 kt limit of the threshold test ban, with the understanding that the PNET threshold will be reduced with any reductions in the TTBT limit and that PNEs will not be allowed under a CTB. It is essential that this view of TTBT and PNET relationships be maintained.

It should be anticipated that the Soviets could continue to endorse a general PNE accommodation. Under this condition, which involves both low fission, relatively clean nuclear devices used for excavation and fission devices for contained explosions, the Soviets could have access to the full spectrum of weapon design and effects otherwise banned in a CTB. Under conditions of general accommodation of PNEs, it becomes even more difficult to deny military benefits.

ERDA strongly recommends that any accommodation of PNEs under a comprehensive test ban be thoroughly analyzed for its adverse impact on the treaty, our ability to verify that military benefits are not being obtained from PNEs, and the relative impacts on U.S. and Soviet national security.

Sincerely,

**Robert W. Fri**<sup>3</sup>  
*Acting Administrator*

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<sup>3</sup> Printed from a copy that indicates Fri signed the original.

**148. Memorandum From the Chairman of Joint Chiefs of Staff (Brown) to Secretary of Defense Brown<sup>1</sup>**

Washington, March 1, 1977

## SUBJECT

Comprehensive Test Ban Issues (U)

1. (C) The purpose of this memorandum is to transmit the views of the Joint Chiefs of Staff on the Comprehensive Test Ban (CTB) issues and to provide a basis for the DOD response to PRM/NSC-16.<sup>2</sup>

2. (S) After a careful review of the Interagency Working Group's response to the PRM,<sup>3</sup> the Joint Chiefs of Staff have concluded that, although the facts developed in the response do not support a CTB at this time, the presentation of the substantive issues in the Executive Summary could result in misleading conclusions upon which future US security policy and negotiating strategy may be based. It is, therefore, essential that these issues be clarified. The issues of utmost importance concern the impact of a CTB or moratorium on US military capabilities and the adequacy of US intelligence capabilities both to ascertain the status of Soviet weapons programs and to monitor compliance with a CTB agreement.

3. (S) The Joint Chiefs of Staff recognize the longstanding US policy regarding a comprehensive ban on nuclear testing within the context of an adequately verified agreement, including the commitments made in the Limited Test Ban Treaty (LTBT), Non-Proliferation Treaty, and Threshold Test Ban Treaty (TTBT). It must be pointed out, however, that this policy was developed at a time when the United States was in a position of clear strategic superiority. Presumably, a CTB at that time would have slowed the rate at which the Soviet Union could have improved its strategic forces and would have delayed the point at which it could have achieved parity. The strategic situation has changed drastically in the last few years, and, although there are differing opinions as to the relative military advantages held by either the United States or the Soviet Union in specific areas, it is generally agreed that the two powers are now in a state of overall rough equivalence.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 63, A-400.112 Test Ban (5 Mar 77) 1977. Secret. Copies were sent to the Director of the Defense Intelligence Agency (Tighe) and the Director of the Defense Nuclear Agency (Johnson).

<sup>2</sup> See Document 141.

<sup>3</sup> See Document 146.



4. (S) Whether the trend of increasing strength of the Soviet Union relative to the United States will taper off in the future is a matter of considerable debate within the Intelligence Community; [3 lines not declassified] It is impossible to project the threat which may now be developing and which may not be clearly perceived by the United States until such time as a CTB would make it difficult or impossible to respond.

5. (S) Current US force improvement initiatives have been taken primarily to respond to threats which have been postulated with some certainty. A CTB agreement will limit US ability to develop military systems which are essential to respond to these postulated threats. It is recognized that a CTB which includes prohibition of peaceful nuclear explosions (PNEs) will constrain the Soviet Union's ability to develop new initiatives. However, the Joint Chiefs of Staff emphasize that a CTB may render the United States virtually unable to respond to the future threat which may now be developing and, thus, is unconstrained by the effects of a CTB.

6. (S) National policy calls for development and maintenance of a deterrent and warfighting capability across the spectrum of warfare, ranging from strategic nuclear offensive and defensive operations through tactical nuclear, conventional, and unconventional operations. To support this policy, the existing strategy provides for forces which are highly selective, effective, flexible, and responsive to the requirements of the National Command Authorities. By continuing a strong technological capability made possible under the constraints of the LTBT through the maintenance of a viable underground test program, the United States has continued the development of nuclear capabilities which will assist in the fulfillment of national policy objectives. However, without the present underground testing capability, the US Armed Forces could not confidently exploit advanced nuclear weapons development technology or nuclear weapons effects technology to provide these capabilities nor could they assure the reliability either of new designs, of older nuclear weapons which have been stockpiled over long periods of time, or of replications of older tested designs. Therefore, the Joint Chiefs of Staff believe that, for the foreseeable future, continued nuclear testing will be necessary.

7. [1 paragraph (23 lines) not declassified]

8. (S) In the view of the Joint Chiefs of Staff, the adequacy of verifying a CTB agreement is dependent on the ability unequivocally to assure the national authorities that no potential adversary is achieving military benefits through nuclear testing. Although the PRM-16 response points out that improvements to US national technical means could reduce the likelihood of undetected tests, the Executive Summary [10 lines not declassified]

9. (S) The Executive Summary overemphasizes the probabilities that the leadership of the Soviet Union would be unwilling to conduct an evasion program. In the past, the United States has officially notified the Soviet Union of 21 violations of the LTBT, but all charges have been denied by the Soviet Union. There is also some question by experts in the United States about two Soviet detonations which may have exceeded the 150 kt limit in the informal understanding regarding the TTBT. It is recognized that these instances may be considered by some as of a different nature than a violation of a CTB. However, it must still be pointed out [3 lines not declassified] that even when clear evidence of a violation exists, any charges against the Soviet Union may be meaningless.

10. (S) In view of the above, the Joint Chiefs of Staff believe that a CTB is not in the best interests of the United States at this time because of:

a. The potential adverse effect on military capabilities caused by US inability to develop military systems required to respond to current and future threats, US inability to maintain a nuclear weapons technology base, and US inability to insure continued nuclear systems reliability.

b. The known limits on US verification capabilities.

c. [2 lines not declassified]

d. [2½ lines not declassified]

11. (S) If a decision is made to proceed with negotiations for a CTB, the Joint Chiefs of Staff consider the following points to be pertinent:

a. An unverified or unilateral moratorium should be avoided.

b. Nuclear testing should continue during CTB negotiations, and the effective date of a CTB should be selected so as to permit the completion of testing for key systems. Although some systems now under development might be placed in the stockpile without further planned testing, it would be at the cost of significantly reduced effectiveness and reliability. It should be noted that testing [4 lines not declassified]

c. [1½ lines not declassified]

d. PNEs should not be permitted in a CTB environment. Despite a lengthy exploration in the PRM-16 response to find ways of accommodating PNEs in a CTB with minimum risk to national security, there appears to be no feasible way to prevent military advantages accruing from the conduct of PNEs.

e. All nuclear powers should eventually be signatory to a CTB. In the short term, only the Soviet Union threatens US security. However, long-term advances by the PRC or other countries also could become a factor. Therefore, any cessation of testing must allow for periodic review and a clear opportunity to renew testing if all nuclear weapon states do not adhere within a reasonable period of time.

f. The TTBT and Peaceful Nuclear Explosions Treaty should be ratified as soon as possible.

12. (U) The Joint Chiefs of Staff request that you consider their views in concluding your review of PRM/NSC–16.

For the Joint Chiefs of Staff:

**George S. Brown**  
*Chairman*  
*Joint Chiefs of Staff*

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**149. Memorandum From Secretary of Defense Brown to the  
President's Assistant for National Security Affairs  
(Brzezinski)<sup>1</sup>**

Washington, March 5, 1977

SUBJECT

Conversation with The President on CTB Considerations

At your suggestion, I conveyed my misgivings about the peaceful nuclear explosions loophole in CTB to the President in a conversation yesterday.<sup>2</sup> Moreover, I described the JCS position that a ban on nuclear testing would be contrary to our national security interests. I assured him that I would be working on the broadest, most balanced view possible here in the Defense Department.

The President agreed that CTB would be a useful topic for a luncheon discussion by him with the Joint Chiefs, Charles Duncan, you and me.

**Harold Brown<sup>3</sup>**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 3–12/77. Secret.

<sup>2</sup> No record of this conversation has been found. According to the President's Daily Diary, Carter and Brown met from 4:45 to 5:20 p.m. on May 4. (Carter Library, Presidential Materials)

<sup>3</sup> Brown signed "Harold" at the end of the memorandum.

**150. Letter From the Director of Military Application of the Energy Research and Development Administration (Bratton) to the Chairman of the Military Liaison to the Energy Research and Development Administration (Cotter)<sup>1</sup>**

Washington, March 15, 1977

Dear Mr. Cotter:

In anticipation that underground nuclear testing might be further curtailed or prohibited in the relatively near future, ERDA is taking prudent steps to revise the underground nuclear test program for FY 1977 and test plans for FY 1978 and FY 1979 in order best to insure the accomplishment of those tests most urgently needed to meet presently known, high priority defense requirements for nuclear weapons at the earliest possible date. Our understanding of these requirements and of the relative priority of each is summarized in Enclosure 1.<sup>2</sup>

We have formulated plans to complete at minimum cost the testing required for all the weapons listed in Enclosure 1. All advanced development tests, except those for which preparations are already well advanced, have been proposed for deferment until late FY 1978. These plans are summarized in Enclosure 2.<sup>3</sup>

Although the revised number of tests for each fiscal year is not significantly different than in our previous plans, the nature of the tests is such that the cost would exceed our budget amounts for testing by about \$6 million in FY 1977 and \$13 million in FY 1978. While it may be possible to obtain additional funds by reprogramming actions within the weapons program or from some other ERDA account, it is first essential to verify that each of these potential weapons should be developed before further restrictions or a ban on testing.

The plan we have formulated is basically a reordering of already planned tests in order to accomplish the most critical tests as soon as possible. For each program the point at which these most critical tests are completed is indicated on Enclosure 2. If testing were stopped after successful completion of these critical tests but before completion of all the tests required for the full development of a particular warhead, it may be possible to stockpile that warhead. However, it may not meet all required military characteristics, and some of its yield options may not be fully verified. The impact on each program of completing only

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 63, A-400.112 1977. Secret; Restricted Data.

<sup>2</sup> Not attached.

<sup>3</sup> Not attached.

the critical tests is given in Enclosure 3.<sup>4</sup> It should be recognized that the schedule shown in Enclosure 2 is optimistic in that all tests may not be completed on time and all may not be successful.

If additional resources cannot be obtained from outside the weapons program, it may be necessary to reprogram funds from the weapons production budget. This would result in delays in the delivery of weapons to the DOD. For example, one option for reprogramming an additional \$6 million for testing in FY 1977 would delay the scheduled delivery of the B61–5 bomb by six to nine months. Reprogramming \$13 million in FY 1978, in addition, would delay delivery of the B77 bomb by one year if all the funds were applied against that program. We would not, of course, initiate any reprogramming action which would impact agreed IOC or delivery commitments without coordinating fully with the DOD.

I would appreciate your concurrence in our proposed revised test program and its associated priorities. Further, I would welcome comments regarding programs which you believe should be deleted or slowed in order to save resources or programs which should be added to provide further options during a possible test ban. For example, the DOD views on the type of reprogramming referred to above would be useful.

I look forward to hearing from you on this matter, and I shall endeavor to be as responsive as possible to DOD suggestions in meeting our mutual nuclear testing goals.

Sincerely,

**J.K. Bratton**  
*Major General, USA*  
*Director of Military Application*

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<sup>4</sup> Not attached.

151. Memorandum of Conversation<sup>1</sup>

Washington, March 23, 1977

## SUBJECT

SALT, CTB, Indian Ocean, Africa, Middle East, Belgrade Conference, Vietnam,  
Fukuda Visit, Claims/Assets, Exchange Program

## PARTICIPANTS

*People's Republic of China*  
Ambassador Huang Chen  
Counselor Tsien Ta-yung  
Third Secretary Hsu Shang-wei

*United States*  
The Secretary  
Richard Holbrooke, EA  
Harry E.T. Thayer, EA/PRCM (Notetaker)  
Michel Oksenberg, NSC

[Omitted here is discussion unrelated to a comprehensive test ban.]

## CTB

The Secretary said that another subject for discussion would be the issue of a comprehensive test ban. We would discuss the possibility of negotiating for a ban on all tests of nuclear weapons for a limited period. As the President had indicated to Huang,<sup>2</sup> this is an issue between the Soviets and ourselves; but we would hope that some time in the future other nations would join such an agreement.

The Secretary said he expected that a number of issues would be raised in this connection, such as peaceful nuclear explosions being permitted under this test ban. Second, what kind of verification would be required under such an agreement? Third, whether or not the Soviets are prepared to enter such an agreement if it is only a bilateral one. The Secretary said that, at this point, we have no idea as to how the dis-

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, NODIS Memcons, 1977. Secret; Nodis. Drafted by Thayer; and approved in S on April 5. The memorandum is printed in full *Foreign Relations*, 1977–1980, vol. XIII, China, Document 21.

<sup>2</sup> On February 8, Carter told Huang Chen “We have offered the Soviet Union a comprehensive test ban treaty. This would be a bilateral agreement with the Soviets. If it can be worked out, then perhaps others such as China or France can consider joining in some form, but at the present time this is just an effort with the USSR. At the same time we will maintain our equivalent strength and will keep the Chinese Government informed.” (Carter Library, National Security Affairs, Staff Material, Far East, Box 55, Oksenberg Policy Process, 10/76–4/77) The conversation is printed in full in *Foreign Relations*, 1977–1980, vol. XIII, China, Document 5.

cussions will come out or if the Soviets have a serious interest in such a discussion.

[Omitted here is discussion unrelated to a comprehensive test ban.]

*Ambassador Huang*

Ambassador Huang, after thanking the Secretary, said that some of the issues already had been touched on in his meeting with the President. Nevertheless, he would repeat some points made then. With respect to the US-Soviet talks and relations, China's basic view was still the same. The U.S. had vested interests to protect around the world and the Soviet aim is expansion. This is unalterable.

*SALT, CTB*

As he had said to President Carter, the PRC had never been interested in the so-called disarmament agreements reached by the Soviet Union and the U.S. He had already explained the reason to President Carter. President Carter had mentioned the comprehensive test ban, including asking others like France and China to join following Soviet and U.S. agreement. China's consistent policy, Huang told the Secretary, is to oppose nuclear blackmail proposed by the Soviet Union and the U.S., and China will not take part in any of these activities. The PRC felt that the Soviet Union and the United States now had conducted enough tests and don't want to allow others to do so. There is no reason for this under Heaven.

[Omitted here is discussion unrelated to a comprehensive test ban.]

## 152. Telegram From the Department of State to the Embassy in France<sup>1</sup>

Washington, March 25, 1977, 2113Z

66861. Subject: Comprehensive Test Ban (CTB): Consultations With French.

1. Politico-Military Affairs Director Gelb met with French Chargé Boyer March 24 to review arms control subjects on eve of Secretary Vance's departure to Moscow. Drawing on President's statements and Gelb March 21 statement to North Atlantic Council,<sup>2</sup> Gelb reviewed SALT, CTB, MBFR, Indian Ocean, conventional arms transfers, anti-satellite capabilities, and prior notification of missile launches.

2. On test ban, Gelb noted President's proposal for US-Soviet bilateral moratorium on nuclear testing for two, three or four years,<sup>3</sup> explaining that if other nations cared to associate with it, this would be welcomed, but it was not a precondition. US was prepared to hear Soviets out on PNEs, but we did not favor them. Gelb specifically noted that:

A) Our test ban initiative was not intended to give problems to our allies, in particular France;

B) US of course would welcome it if France or others chose to associate with a cessation of testing;

C) Such a cessation of testing would not adversely affect NATO strategy or targeting. In our judgment, a CTB was not to our military disadvantage;

D) Before going forward with specific CTB negotiations, we would consult with our allies, including France.

3. Boyer noted French position was that a certain time was needed for other military tests. France would not rpt not join any moratorium at present. Boyer did not rpt not know about the future. Boyer added that, as Gelb had noted, there was the hope that a US-Soviet cessation of testing would be joined by other powers in the future.

4. In response to a question, Gelb confirmed position of administration favoring ratification of Threshold Test Ban Treaty.

**Christopher**

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770105-0121. Secret. Also sent to USNATO, Moscow, London, the Mission in Geneva, USUN, the Liaison Office in Peking, and the IAEA in Vienna. Drafted by Mark Ramee (PM/DCA); cleared by James Dobbins (EUR/CE), Peter Sebastian (S/S), and Robert Rochline (ACDA); and approved by Gelb.

<sup>2</sup> Not found.

<sup>3</sup> See footnote 3, Document 145.



**153. Memorandum of Conversation<sup>1</sup>**

Moscow, March 29, 1977, 4:30–7:30 p.m.

**SUBJECT**

Middle East, Arms Control

**PARTICIPANTS***UNITED STATES*

Secretary Cyrus R. Vance  
Ambassador Malcolm Toon  
Mr. Paul Warnke  
Assistant Secretary Arthur  
Hartman  
Mr. William Hyland  
Mr. Leslie Gelb  
Mr. William D. Krimer,  
Interpreter

*USSR*

Foreign Minister A.A. Gromyko  
Deputy Chairman of the Council  
of Ministers L.V. Smirnov  
Deputy Foreign Minister G.M.  
Korniyenko  
Ambassador A.F. Dobrynin  
Notetaker—Name Unknown  
Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to a comprehensive test ban.]

**CTB**

*Gromyko* said that, as the Secretary would know, the Soviet Union was in favor of resolving the problem of completely stopping nuclear weapon testing. The USSR had proposed that all nuclear powers, without exception, enter into discussions as soon as possible, with the participation of non-nuclear states, with a view to conclusion of a treaty on this subject, providing for a complete and universal ban on testing nuclear weapons. In connection with that proposal, the question of verification would arise, and the Soviet Union had taken it into account, although he was convinced that given today's level of technology, verification by national technical means should be sufficient. Still, the Soviet Union was prepared to go further and find mutually acceptable understandings that would preserve the framework of voluntary decisions in the context of on-site investigation of certain phenomena. This should be aimed at providing assurances for all parties to the treaty that obligations under the treaty were being complied with. Something of this kind had been suggested by the Swedes. The Soviets would suggest

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Vance to Moscow, March 28–30, 1977. Secret; Nodis. Drafted by Krimer; and approved by Hyland (in draft), and Twadell on May 9. The meeting took place at the Kremlin. The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 20. Vance reported on his conversation with Gromyko to Carter and Brzezinski in Secto 3033 from the Secretary's Delegation, March 29. (National Archives, RG 59, Central Foreign Policy File, P840076–0315)

that our two countries act promptly, considering the fact that this issue was currently under discussion in the Disarmament Committee. To translate these considerations into the text of a mutually acceptable treaty would be a major step forward.

*Gromyko* wanted to suggest an idea that the Secretary might not be able to answer now. Perhaps he could reflect on it, and reply after he returned to Washington. Such a treaty could initially be signed by our two countries, and be accompanied by a simultaneous appeal to other nuclear states, and even to non-industrial countries, to accede to it. When signing the treaty, the United States and Soviet Union could declare that for a specified period of time, say one and a half to two years, they would refrain from testing nuclear weapons; in other words, they would declare a moratorium on their own testing. If other nuclear powers did not accede to the treaty within that period of time, the Soviet Union and the United States would be released from their obligations under such a moratorium. *Gromyko* believed that such a step would impel certain powers to take positive action and would, in general, favorably influence the whole international situation. That would be a good thing. It was hard to imagine who could criticize the new Administration for taking such a step. In the Soviet Union, and he was quite sure in saying this, such a step would meet with understanding; people would regard it as positive. However, one could not consider peaceful nuclear explosions in one and the same category with the testing of nuclear weapons. Peaceful nuclear explosions were used in the Soviet Union to accomplish major economic tasks. Certain plans had been made involving PNEs. He would point out that, taking into account US views, the Soviet Union had agreed to limit the yield of such explosions under an agreement signed last year. At the same time, that agreement provided that nuclear explosions for solely peaceful purposes would be subject to a system of verification that would be worked out in detail, envisioning in certain cases access by the representatives of one side to the explosion site of the other. It would represent a substantial step forward, a radical solution to the problem of ending nuclear testing, curbing the arms race, and protecting people against the harmful consequences of such tests, if ratification of the Threshold and PNE agreements already signed by our two countries were completed. The Soviets did not lack readiness to do so. They were waiting to see when the new Administration in Washington would become more active in this area. Who could deny the positive significance of the agreements already on the table in signed form? He thought that each member of the US Senate and House of Representatives would approve. The US could take this important step toward strengthening peace and security, strengthening Soviet-American relations, and thus reinforce some of the positive statements made in the US. It seemed to the Soviets that the Carter Administration could do this if it wished.

The Soviet Union had tabled a draft treaty banning all nuclear weapon testing. Surely the Secretary was aware of it, and Gromyko would not repeat its provisions. It was now before the appropriate international organizations.

*The Secretary* said with respect to the two treaties we had already signed, that, as he had indicated yesterday, he had urged the Chairman of the Senate Foreign Relations Committee to take positive action to ratify these treaties.<sup>2</sup> The Chairman had indicated that he would take the necessary steps to move Congress to act. In addition, the Administration will indicate its support for this ratification, so as to assist in urging that Congress take prompt action in the near future. The Secretary said he would be less than frank if he did not tell Gromyko that there will be some in Congress who will ask why these treaties should be signed, in view of the fact that a comprehensive test ban treaty was being urged by the Administration. The comprehensive test ban could be strongly supported by the administration and he believed that this would be an indication of our wish to cooperate with the Soviet Union and strengthen our bilateral relations.

*Gromyko* suggested that the Secretary explain to those who do not understand that these agreements do not run counter or contradict the other one.

*The Secretary* said that we will argue that these agreements are steps on the way to a comprehensive test ban.

*Gromyko* said it would be good if progress were achieved. He would also point out that their own instruments (national means) here in Moscow had so far registered even weak explosions.

*The Secretary* was sure that our efforts to get ratification would be aided if both our countries were clearly cooperating toward achievement of a comprehensive test ban.

*Gromyko* suggested that we not only cooperate on the technical aspects of verifying peaceful nuclear explosions, but also make the cooperative work much more intensive than it was now.

*The Secretary* said he found this idea very interesting. He would point out, however, that we had grave concerns for allowing exceptions for peaceful nuclear explosions. The reason for that was that it was almost impossible to conduct peaceful explosions without weapons-related benefits. Therefore, we favored elimination of all nuclear explosions.

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<sup>2</sup> A day earlier, Vance had told Brezhnev that the U.S. was "moving promptly to secure Congressional ratification of the Treaty on the Threshold Test Ban and the Treaty on Peaceful Nuclear Explosions. What we accomplish during our meetings here would help us in the ratification of those treaties." This conversation is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 17.

*Gromyko* asked what exceptions the Secretary had in mind. After all, there were provisions for verification. He would suggest that those who shouted the loudest in the US be sent along as observers on PNE verification assignments.

*The Secretary* agreed that verification was one of the matters that needed to be pursued further. However, experts in the area said that even with verification it would be possible to develop information that was contrary to a comprehensive test ban. Therefore, he would suggest that we have our respective experts get together for bilateral discussion of this subject in the near future.

*Gromyko* did not believe there would be any insuperable obstacles in the way of resolving this problem. One should not forget that all along in the course of discussing these matters on a bilateral basis the Soviets had proceeded from the premise that there was a significant difference between weapons testing and PNE. It was for this reason that they had signed the two treaties. He would suggest to the Secretary that we should avoid taking any step that would turn us backward. One could find skeptics on any question. He supposed one could even find someone who would maintain that Earth was not turning around the sun, but that it was the other way around.

*Smirnov* said that this was probably asserted by those experts who did not want to see that kind of treaty signed. He pointed out that this was a specific technical problem. "Let your experts come and see, they could even take the top off the cylinder of the explosive device to make sure that it was not a weapon." (The Secretary asked *Gromyko* if he agreed; *Gromyko* did not reply.)

*Gromyko* said that, put in other words, the sooner the US Government obtained ratification of these treaties, the better. If that were done, there would be nothing but applause for both sides.

*The Secretary* said he would be happy to respond. If we could agree upon a satisfactory CTB treaty, we would be very much in favor of signing it with the Soviet Union, even though others did not sign it initially.

*Gromyko* said that if the US was ready to accept the idea in principle, he would suggest that the two sides agree to hold bilateral discussions at the level of experts. He asked when the US would be prepared to begin.

*The Secretary* consulted with Mr. Warnke, who informed him that we could do so very rapidly. He would accordingly inform *Gromyko* and would assure him that it could be soon.

*Gromyko* said that Mr. Warnke had given the Secretary good advice. The Soviet side would await advice as to when the experts would be ready.

[Omitted here is discussion unrelated to a comprehensive test ban.]

#### BAN ON NEW WEAPONS SYSTEMS

*Gromyko* said he would briefly touch upon a question the Secretary would be familiar with—possible conclusion of a treaty or agreement on banning new types of weapons or weapons systems of mass destruction. The Soviet Union had raised this question in all seriousness some time ago. It had hoped that the US would also emphasize the importance of this question and would join in working on the problem. From time to time, representatives of past administrations had sporadically touched on this subject, perhaps sometimes at Soviet initiative, at other times on their own accord, and had told the Soviet Union of their views in this regard. An exchange of views had taken place in the CCD in Geneva and in the United Nations in New York, but these discussions had been of a very general nature. At the same time, some serious discussions were held in Geneva. At first, the US reaction had consisted in asking the Soviets question after question and in evading discussion of specifics. *Gromyko* noticed that and had been amazed at such an approach. Then, probably after those who had asked the questions realized that this could not go on endlessly, another question was asked—what was meant by new types of weapons systems? Soviet representatives found themselves forced to name several such types, stating that theirs was by no means an exhaustive list, and that representatives of all other countries were equally free to name what they felt could be weapons of mass destruction. What serious man could deny the existence of this serious problem? Should we simply permit rocks to roll down the mountain without our doing anything to stop them?

Surely we should attempt to take steps to restrain all countries from developing new types of weapons of mass destruction; otherwise, everything that had been accomplished; most notably in the field of strategic arms limitation, would become worthless. If we were on the one hand to attempt to limit strategic arms, while others produced new types of weapons of mass destruction, this would be tantamount to the right hand not knowing what the left hand was doing. He did not know whether he had expressed his thoughts clearly, but it should be clear that the United States and the Soviet Union should combine their efforts. If that were done, other nations would join in, and that would benefit the general cause of world peace and the peoples of our countries. *Gromyko* hoped the Secretary would not think that the Soviet Union was pursuing some sort of advantage or political capital in this. He thought that a solution that would benefit all would be facilitated by developing cooperation between our two countries, provided, of course, that the United States was interested and willing. The Soviets would even be prepared to consider the question of concluding sepa-

rate agreements banning the development and manufacture of radiological weapons, taking into account the interest in this question which was displayed by the US side. Repeated contacts on this matter had already taken place. It had also been discussed in the UN General Assembly. This was a major question, one that had significance not only for today, but also for the future.

*The Secretary* said he would respond briefly by saying that we had found on the basis of experience that for arms control agreements to be effective, they had to be precisely defined and capable of verification. Quite frankly, we had problems with the Soviet proposal because of its broad and general nature. It would be difficult to deal with. However, we continued to be interested in banning specific weapons categories, such as the radiological weapons Gromyko had mentioned.

*Gromyko* said that when the US was ready to engage in specific discussion of this concrete issue, it should inform the Soviets accordingly. As for the Soviet draft treaty which appeared to the Secretary to be general in nature, in the context of exchanges of views already held at the level of experts, some specific information was developed. He would suggest that the Secretary take a look at these materials. Soviet experts had named some very specific weapons categories. He would ask the Secretary to signal him when the specialists were ready to exchange views.

#### PEACEFUL NUCLEAR EXPLOSIONS

*The Secretary* agreed. He wanted to say before we got too far away from the issues of non-proliferation and CTB, that agreement on a comprehensive test ban without an exception for peaceful nuclear explosions would do much to stop proliferation and discourage others from following India's example. He feared that if an exception were permitted for PNE, we would soon find other threshold countries.

*Gromyko* said the new treaty would require careful discussion and drafting but, completely to preclude PNE—could that really be done?

*Smirnov* said the time would someday come when Americans, too, would realize the benefits of PNE for national economic purposes.

Soviet scientists had suggested using PNE to provide storage space for wastes and for other purposes. He repeated his suggestion that an expert be assigned to monitor a peaceful explosion for verification purposes. An expert could always determine by examining the explosive device whether it was a weapon or not. He pointed out that the Soviet Union had also made use of conventional explosives for peaceful purposes. There were no technical difficulties here, only a desire was needed for verification to be effective.

*Gromyko* recalled some films that had shown PNEs. Any expert who could not assure himself that an explosion was not carried out for

weapons purposes either did not understand the subject or did not wish to see an agreement of this sort. He recalled that a few years ago a representative of the United States had talked with him about the possibility of using PNEs to dig a new Panama Canal. He asked if the US did not expect that PNEs might be very advantageous in the future.

*The Secretary* responded that he was familiar with the suggestion for construction of a new Panama Canal. The project had been examined in great detail and we had come to the conclusion that the results of digging a canal in this manner would be unacceptable—PNEs would produce fallout dangerous to people in the area. Consequently, the plans had been abandoned. We also had acquired a great deal of experience in testing PNEs, but had concluded that such explosions presented environmental dangers. We had also concluded that the problem of weapons-related information were quite real. One of the problems that arises with the weapons aspect was the fact that it would be necessary closely to examine the explosive device itself. This created many problems.

*Gromyko* suggested that the Secretary inform him when the US side would be prepared to enter into discussions of all the questions arising in this connection.

*The Secretary* agreed.

*Gromyko* suggested that several groups of experts could examine the non-political questions involved.<sup>3</sup>

[Omitted here is discussion unrelated to peaceful nuclear explosions.]

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<sup>3</sup> Vance summarized this conversation with PRC Ambassador Huang Chen on April 11. The memorandum of conversation is printed in *Foreign Relations, 1977–1980*, vol. XIII, China, Document 25.

**154. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, April 29, 1977

SUBJECT

Proposed Underground US Nuclear Weapons Test Program for the Second Half of Fiscal 1977

With regard to the test program proposed by ERDA<sup>2</sup> for the second half of Fiscal 1977, I recommend:

1. a review of the present US policy for tests near the 150 kiloton limit established by the Treaty on the Limitation of Underground Nuclear Weapon Tests,<sup>3</sup> and deferral of a decision regarding REBLOCHON and SCANTLING—the two proposed tests near this limit—pending the completion of such a review. The current policy of allowing tests at *design* yields of up to 150 kilotons in face of the *actual* yield limit of 150 kilotons specified by the Treaty is defective because it allows tests with an unacceptably high risk of violating the Treaty. A more prudent approach should be adopted. The best approach appears to be limiting tests to devices having a maximum credible underground yield no greater than 150 kilotons;

2. an interagency study of the military utility and the arms control implications of developing and deploying nuclear weapons with insertable nuclear components, and, pending completion and review of this study, deferral of a decision on the conduct of the KNIGHTHEAD test in support of such development. I am concerned about the adverse aspects of this technology with regard to:

(a) our non-proliferation and other arms control goals, since it would lower and blur the nuclear threshold,

(b) the security against theft of the small and highly portable removable nuclear components, and

(c) degradation of conventional capabilities if the weapon is to function in this mode as well as in the nuclear mode;

3. deferral of a decision regarding BEAFORT and DANBO pending comments and decision on the interagency study regarding the

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 63, A-400.112 1977. Secret; Restricted Data.

<sup>2</sup> See Document 150.

<sup>3</sup> Or the Threshold Test Ban Treaty (TTBT), signed by the U.S. and the Soviet Union on July 3, 1974. For the text of the Treaty see *Documents on Disarmament, 1974*, pp. 225-229.



SM–2 called for in NSDM 341.<sup>4</sup> In light of Secretary Brown’s decision not to request the ERDA to initiate a phase 3 program this month,<sup>5</sup> such a deferral should not materially affect a future positive decision regarding a nuclear warhead for SM–2. I am not persuaded by the ERDA representatives’ certification that DANBO has significant technology implications over and above those established for the SM–2 as a justification for carrying out this test.

**Paul C. Warnke**

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<sup>4</sup> The Ford administration issued National Security Decision Memorandum 341 on November 24, 1976. (Ford Library, National Security Adviser, National Security Decision and Study Memoranda, Box 1, NSDM 341)

<sup>5</sup> Not found.

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**155. Memorandum From Secretary of Defense Brown to the President’s Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 2, 1977

SUBJECT

Underground Nuclear Weapons Test Program for the Second Half of FY 1977 (FULCRUM II) (U)

(U) I have reviewed and approve the draft Memorandum for the President on FULCRUM II.<sup>2</sup> The “Recommendations” section of the memorandum should reflect that:

—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff recommend specific approval of the detailed test program for the second half of FY 1977 (FULCRUM II) as proposed by the Administrator of ERDA.<sup>3</sup>

(SRD) If recommendations by the Secretary of State and the Director of the Arms Control and Disarmament Agency are forthcoming as now reflected in the draft memorandum, then I desire that the

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 1977. Secret; Restricted Data.

<sup>2</sup> Not found.

<sup>3</sup> Not found.

following comments be incorporated in the Memorandum to the President:

—The DoD believes that current TTBT test policy correctly reflects US obligations under the TTBT. Further, the policy provides an opportunity for further review, as warranted, of each test near the 150KT threshold prior to granting final detonation authority. The proposed FULCRUM II tests are in accord with present test policy. We do not concur that any tests be deferred on the basis of yet-undetermined policy revisions. Doing so would be equivalent to unilateral assumption of a lower threshold than agreed to by us or observed by the USSR.

—The proposed tests which ERDA has designated as possible SM-2 warhead candidates should not be deferred or deleted from FULCRUM II. As I indicated in my memorandum of April 6, 1977, which accompanied the NSDM 341 study, no decisions have yet been made with regard to warhead production nor to request ERDA to initiate engineering development of an SM-2 warhead. These issues are currently being addressed within the DoD. Deferral of these tests, one of which has significant warhead technology implications, would unnecessarily foreclose on future DoD warhead options (not just for SM-2) and will, in effect, prejudice the outcome of the SM-2 study.

—The insertable nuclear component (INC) test, KNIGHTHEAD, is designed to establish the technical feasibility of the INC concept. The test should not be deferred. While DoD has not requested engineering development of INC for a specific system, the concept remains of great interest for possible future warhead options. The INC concept has the potential to provide enhanced nuclear safety and warhead security with a reduction in operational costs.

(C) The ongoing CTB discussions make it appropriate to move our testing program along, avoiding delays. Our program should establish as many warhead options as possible should they be required for our national security in the future. This does not imply an accelerated test schedule, and I understand that the draft memorandum does not propose one.

**Harold Brown**

**156. Letter From the Acting Director of the Energy Research and Development Administration (Fri) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 9, 1977

Dear Dr. Brzezinski:

The Energy Research and Development Administration (ERDA) has reviewed the recommendations of the Director, Arms Control and Disarmament Agency, set forth in a memorandum to you dated April 29, 1977.<sup>2</sup>

[Omitted here is a brief history of 1974–1976 deliberations on nuclear testing.]

Redefining the yield upon which the threshold is based in the manner recommended by ACDA would unilaterally and significantly lower the yield threshold to which the United States could test and would be asymmetrically unfavorable to the United States. [2 *lines not declassified*] ERDA and DoD testing prior to the effective date of the Threshold Test Ban Treaty was based on the ability to test up to a design yield of 150 kilotons after this treaty was implemented. When testing at design yields up to 150 kilotons, the potential excursions above 150 kilotons are insignificant in comparison [4 *lines not declassified*]

[4 *lines not declassified*] If the ACDA proposal of 150 kilotons maximum credible underground yield were accepted, this development technique could not be performed for certain weapon systems. [11 *lines not declassified*]

With regard to ACDA's comments concerning insertable nuclear component (INC) warhead technology, the concept of utilizing insertable components for safety and security purposes is an old one. [2 *lines not declassified*] The recent renewed United States interest in this concept arises from both the added safety and security that could be obtained from separable components and from the economic and operational advantages offered by convertible weapons. A unilateral decision to arrest the development of such warheads for United States use would in no way impede Soviet use of this concept. [4½ *lines not declassified*]

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 1977. Secret; Restricted Data. Copies were sent to Warnke, Vance, Harold Brown, Lance, George Brown, and Turner. A stamped notation at the top of the first page reads "SEC DEF HAS SEEN." Harold Brown initialed the top right-hand corner of the memorandum and wrote "5/10."

<sup>2</sup> See Document 154.

[1 paragraph (7 lines) not declassified]

Sincerely,

**Robert W. Fri**<sup>3</sup>  
*Acting Administrator*

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<sup>3</sup> Printed from a copy that bears Fri's stamped signature.

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## 157. Memorandum of Conversation<sup>1</sup>

London, May 9, 1977

### PARTICIPANTS

#### *UK*

Foreign Secretary Owen  
 Deputy Under Secretary Hibbert  
 Mr. Ferguson, Principal Private Secretary to the Foreign Secretary

#### *France*

Foreign Minister DeGuingaud  
 Political Director DeLaboulaye  
 Mr. Andreani, Director for European Affairs, Foreign Ministry

#### *FRG*

Foreign Minister Gencher  
 State Secretary Van Well  
 Mr. Terfloth, Foreign Ministry Press Spokesman  
 Mr. Weber, Foreign Ministry Interpreter

#### *US*

Secretary of State Vance  
 Assistant to the President Brzezinski  
 Assistant Secretary Hartman  
 Mr. Hunter, NSC Staff  
 Mr. Dobbins (Notetaker)

[Omitted here is discussion unrelated to a comprehensive test ban.]

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, NODIS Memcons, 1977. Secret. The meeting occurred at 10 Downing Street. The memorandum of conversation is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXVII, Western Europe.

*Comprehensive Test Ban*

DeGuiringaud said that this was a subject of extreme sensitivity to France. While he understood the American reasons for proceeding, among which was an effort to embarrass the Soviets, he wished to reiterate what he had told Vance<sup>2</sup> and his President had told President Carter,<sup>3</sup> which was that France could not envisage any adherence to such a ban at this stage.

Owen said his government saw the problems involved but would be willing to see a ban of U.S. and Soviet tests and would like to be associated with the discussion. At the same time, he said, his government recognized the French position and that of China.

Vance said that one of the most difficult issues in negotiating a comprehensive test ban with the Soviets would be the issue of peaceful nuclear explosions. The U.S. had indicated to the Soviets that it believed that a fundamental aspect of such a treaty would be a ban on such explosions. There was not any way to prevent the use of such explosions to develop military technology.

DeGuiringaud wondered whether the U.S. believed that nuclear explosions could serve any legitimate non-military purpose. Vance replied that the U.S. had given this considerable thought and study. Extensive experiments had been conducted in the 1960s, under Project Plowshare,<sup>4</sup> on both the technology and economics of peaceful nuclear explosions. The results of these studies were quite negative on both counts. He did not think that the Soviets had looked at these problems. The U.S. was quite willing to share its data.

Owen suggested that perhaps states such as France and China should be asked to accept a ban on peaceful nuclear explosions without, initially, at least, necessarily associating themselves with a

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<sup>2</sup> Not found.

<sup>3</sup> Earlier that morning, Carter and Giscard had met at the French Ambassador's residence in London. Regarding a CTB, Carter explained that "we have called for a joint test ban with the Soviet Union, without France or China for a period of 2–3 years. During that time, we would like others to join. We have a few tests we would like to do. The Russians do, too. We won't permit a stop to military testing, and let PNE's go on, since there really is no difference from this point of view. We will move as far as the Soviets in reducing nuclear weapons, ending tests, and limiting new systems. There has been great Soviet progress on design and development of new weapons. He hoped we could get them to reverse this process, and a test ban is part of it." According to the record of the conversation, Giscard replied that "some subjects should be saved for the Four [UK, U.S., French, and German talks]." (Memorandum of Conversation, May 9; Carter Library, National Security Affairs, Staff Material, Meetings File, Box 75, Subject: Box 1 (II)) The Carter-Giscard conversation is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXVII, Western Europe.

<sup>4</sup> Established in 1957 by scientists at the Atomic Energy Commission and the University of California's Radiation Laboratory, Project Plowshare explored the technical feasibility of using peaceful nuclear explosions for industrial purposes.

comprehensive test ban. This might help get the Soviets to accept a ban on peaceful nuclear explosions.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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**158. Memorandum From the Acting Director of the Arms Control and Disarmament Agency (Keeny) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 18, 1977

SUBJECT

The Meaning of "Yield" in the Treaty on the Limitation of Underground Nuclear Weapon Tests

The May 9, 1977<sup>2</sup> letter to you from the Acting Administrator of ERDA regarding the review of U.S. testing policy recommended by Mr. Warnke in his memorandum of April 29, 1977<sup>3</sup> raises a number of questions which should be part of the recommended review, and on which ACDA will defer further comment at this time.

The ERDA letter also raises a serious question as to whether there is agreement between the United States and the Soviet Union on the meaning of "yield" in the Treaty on the Limitation of Underground Nuclear Weapon Tests. The letter implies that an understanding exists between the United States and the Soviet Union on the meaning of "yield" to the effect that the United States would draw no distinction between "design" and "actual" yield. This Agency is unaware of any communication by the United States to the Soviet Union or of any agreement between the United States and the Soviet Union on this subject.

The question of the definition of yield will presumably become public during the pending Senate ratification hearings on this Treaty. If the Soviet Union were to challenge the proposed "design" yield definition, the United States could find itself in an embarrassing position

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 63, A-400.112 1977. Secret. Copies sent to Vance, Harold Brown, Lance, George Brown, and Turner.

<sup>2</sup> See Document 156.

<sup>3</sup> See Document 154.

since the ordinary meaning of the term “yield” in the Treaty context would appear to be “actual” yield.

**Spurgeon M. Keeny, Jr.**  
*Acting*

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**159. Telegram From the Department of State to the Embassy in the United Kingdom<sup>1</sup>**

Washington, June 14, 1977, 2026Z

137685. Exdis USSALT Two also for Mission, USIAEA. Subject: US–UK Bilateral Discussions on Comprehensive Test Ban. Ref: London 9656 (Notal).<sup>2</sup>

1. Summary. US and UK

On June 3 in preparation for forthcoming US–USSR and US–USSR–UK discussions on a comprehensive test ban. Initial round will be between US and USSR beginning June 13, 1977. UK desires to be involved at earliest date possible and will join with US and USSR after initial round. It was agreed to continue US–UK bilaterals; next set is tentatively scheduled for last week in June. The channel for all exchanges preparatory to this meeting was agreed to be Edmonds for the UK side and Davies for the US side. Press statement for release during or after conclusion of US–USSR discussions was worked out on ad referendum basis. UK Del expressed general agreement with tentative US position. End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770212–0710. Secret; Immediate; Exdis. Sent for information to Moscow, USNATO, Bonn, Paris, the Liaison Office in Peking, the Mission in Geneva, USUN, and Vienna. Drafted by Pierre Corden (ACDA/MA); cleared by Homer Phelps (PM.DCA), Duff (ERDA), Robert Squire (OSD), Frank Murphy (JCS), John Marcum (NSC), and Lewis MacFarlane (S/S); and approved by Thomas Davies (ACDA/MA). In a June 1 memorandum, Brzezinski informed Carter that British Prime Minister Callaghan had thanked the President for allowing his government to participate in the CTB negotiations. At the bottom of the memorandum, Carter wrote “I see no reason for delaying Britain’s immediate involvement. Get US & UK together before meeting with Soviets. J.” (Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB): 3–12/77)

<sup>2</sup> In telegram 9656 from London, June 13, the Embassy requested a full account of the CTB talks between the United States and the United Kingdom which had been held in Washington on June 3. (National Archives, RG 59, Central Foreign Policy File, D770210–0725)

2. UK Delegation, consisting of John Edmonds, FCO; Victor Macklen and Michael Harte, MOD; and Anthony Reeve and Drake Seager, UK Embassy, met on June 3, 1977 with a US Delegation chaired by ACDA Assistant Director Thomas D. Davies. The meeting covered a number of issues concerning the forthcoming discussions with the USSR of a comprehensive test ban.

3. Edmonds stated UK objectives for the meeting as:

(A) To implement full support of President Carter's objective of achieving a comprehensive test ban;

(B) To agree on an appropriate time for the UK to join the US-USSR discussions beginning on June 13;

(C) To get a fuller understanding of the substance and tactics of the US position for the bilaterals beginning on June 13;

(D) To ensure that the UK views are made known for those bilaterals; and

(E) To seek agreement on a Western approach to negotiating a CTB.

4. Edmonds summarized UK CTB position as follows:

(A) The UK has consistently supported an adequately verified comprehensive cessation of nuclear explosions, including nuclear explosions for peaceful purposes;

(B) The UK wishes to be fully associated with the negotiation of such a ban, and therefore wishes to be brought into the discussions at the earliest possible stage;

(C) A moratorium on testing is acceptable if it is in binding form and of fixed duration, and is intended to lead to a CTB treaty;

(D) The timing of the beginning of a cessation of explosions is important for the UK;

(E) Any security difficulties for the West need to be minimized; and

(F) The UK reserves the right to express itself on any issue that is discussed bilaterally between the US and the USSR.

5. Davies said the US position had not yet been established, but is likely to include the following points:

(A) A comprehensive cessation of nuclear explosions would be embodied in a multilateral treaty, but would not require adherence of the PRC or France for entry into force;

(B) The treaty would prohibit nuclear explosions for peaceful purposes as well as "weapons" tests;

(C) In addition to a "supreme interests" withdrawal clause there would be, in connection with a Review Conference, a provision enabling parties to withdraw after about five years;

(D) The US is considering verification by national technical means, including for this purpose the UK seismic assets; by international exchange of seismic data; by use of secure seismic instrumentation within the USSR and US; and by some form of on-site inspection; and

(E) After agreement is reached among the US, UK and USSR on key elements of a CTB treaty, these would be referred to the CCD for



elaboration in treaty form. Trilateral consideration of a number of issues would continue among the US, UK and USSR at the same time that multilateral work was proceeding.

6. The US side made clear that the US position was still preliminary, in particular with respect to what elements of verification would be included in the negotiating position and what would be required in the final analysis, and with respect to form and timing of a cessation of testing.

7. Edmonds agreed that adherence of the PRC and France for entry into force of a comprehensive ban was not necessary, and that the UK envisions a multilateral treaty open to all nuclear and non-nuclear weapon states. While such a treaty was being negotiated, a halt to testing could be arranged by the US, UK and USSR with an open invitation to France and the PRC to join. He thought the PRC was a problem for the USSR to handle, and that although the UK position on adherence was in fact the same with respect to the PRC and France, the UK did not consider the situation the same; i.e., it intended to establish some channel of communications with the French on this subject. Davies agreed on contacts with the French and added that such communications should be low key, with no pressuring involved.

8. The US side asked what the UK had in mind regarding a binding agreement for test cessation before the entry into force of a treaty involving the non-nuclear weapon states. Edmonds said the UK envisions an interim treaty. The US side said it has in mind a more informal arrangement (i.e., parallel announcements of intent), bearing in mind that a formal agreement of the type described by the UK would, by law, require the approval of Congress. It was left that these two possibilities could be the subject of later discussions. The UK side was asked whether there were any reasons that testing could not be halted immediately. Macklen responded that, from the MOD point of view, they would like to complete one more warhead test, which has now been moved up six months to March of 1978. They are confident that they can meet this test date. However, the UK side realized that a political decision could be taken to end testing sooner, and it is prepared to examine any date for a test cessation at the time the question arises.

9. On nuclear explosions for peaceful purposes, Edmonds said the UK has no flexibility at all, the only question being the tactical one of how and when this is made clear to the USSR. The US side said it sees the prospect of a prohibition of nuclear explosions for peaceful purposes, as well as weapon tests, as a major opportunity to influence and constrain NPT holdout states. Edmonds agreed.

10. It was agreed in principle to have bilateral discussions before each round of trilateral discussions, and to be flexible with regard to subject matter (of both a technical and a “technical-political” nature) for

these meetings. Tentative agreement was reached to have the next US–UK bilateral in Washington the last week in June, with the agenda open. The channel for all exchanges preparatory to the meeting was agreed to be Edmonds for the UK side and Davies for the US side. The UK will join the US–USSR discussions at the beginning of the second round.

11. The two sides agreed that the bilateral and trilateral talks would proceed on a confidential basis, with no external observers present, and that the Delegations should be kept small. It was also agreed that there would be a series of meetings, with breaks in between whose length would be established on an ad hoc basis. With regard to venue for the trilaterals, there was discussion of Washington, London or neutral cities such as Geneva or Vienna (see para 14 below). Chairmanship would be on a rotating basis. Each party would keep its own records.

12. Edmonds said that the Prime Minister would like to announce the entry of the UK into the discussions when this takes place. For briefing NATO, Edmonds said their present thinking is to tell NATO shortly before the Prime Minister makes his public statement, with Paris and Bonn perhaps receiving earlier notification. Davies suggested that, in general, NATO be provided joint briefings by the US and the UK as the discussions proceed.

13. Edmonds was given a list of the Soviet Delegation coming to Washington for the US–USSR bilaterals and the UK Embassy has been given a list of the US Delegation.

14. US and UK sides have subsequently agreed ad referendum to following text of announcement to be issued during or after conclusion of US–USSR discussions. Final UK response is expected shortly, and USSR is being consulted. Begin text: following exploratory consultations, the US, the UK, and the USSR have agreed to enter into discussions with a view to the negotiation of a comprehensive test ban treaty. The first round of these tripartite discussions will take place in Geneva beginning July 13, 1977. End text.

**Christopher**

**160. Letter From the Acting Director of the Energy Research and Development Administration (Fri) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, June 24, 1977

Dear Dr. Brzezinski:

Subject: Preparations for Trilateral Comprehensive  
Test Ban Negotiations

I understand that we have just completed exploratory bilateral discussions with the Soviet Union on comprehensive test ban treaty issues and that we are preparing for bilateral talks with the British before entering into the trilateral negotiations. I wish to reinforce Paul Warnke's statement in his 20 June report<sup>2</sup> to the President on this subject that it is very important that we finalize our U.S. negotiating position before the bilateral talks with the British. I realize that you also are much aware of the urgency and are planning to have an SCC meeting of agency principals on this subject during the last week of June. It is for that reason that I would like to register the ERDA position on the key CTB issues which are still being debated in varying degrees between agencies.

*PNE*

You will recall our letter to you of February 17, 1977<sup>3</sup> on the PNE accommodation issue. This continues to be a matter of primary concern to ERDA because of our strong convictions that there is no way to preclude military benefits to any state allowed to conduct nuclear explosions under a CTB regime. Our concern in this matter has been reinforced by the efforts of the PNE oriented Soviet Delegation during the recent exploratory talks. The Soviet exploratory proposals concerning constraints on PNE device development and standardization would not preclude large military benefits and would not in fact prevent device design testing of key components and features of nuclear explosives. The key test objective of determining yield would remain uncontrolled and in any case the Soviet proposal would not prevent the so-called standardized PNE devices from being used as nuclear weapons against military targets. It appears we should agree that there is no known way to accommodate PNE under a comprehensive test ban.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 TEST BAN (Jan–July) 1977. Secret. Harold Brown initialed the top right-hand corner of the memorandum and wrote "6/28."

<sup>2</sup> Not found.

<sup>3</sup> See Document 147.

*Verification*

[1 paragraph (12 lines) not declassified]

There must be agreed and emplaced, the best possible verification system. It must be capable of the highest degree of certainty that explosions can be properly identified and categorized. This will require maximum upgrading of our current National Technical Means in all possible test environments. National means must be supplemented with the required number of tamperproof seismic observatories to form an effective network internal to the Soviet Union and rights must be provided to perform mandatory on-site inspections which would act as an effective deterrent to clandestine explosions. Even a few surreptitious, very low yield, explosions could permit weapon design improvements and permit the maintenance of high quality weapon design and design surveillance teams.

*Negotiating Tactics and Cessation of Testing*

I remain concerned over the continuing trend in other agencies to establish negotiating objectives designed to reach tactical agreement on only the key elements of a CTBT and take them into the CCD for development of treaty text through multilateral negotiation, while, at the same time, it is indicated that a cessation of testing or a moratorium could be declared during such a multilateral negotiation.

It is our conviction that such an arrangement could lead to a cessation of testing, under conditions and at a time, when it would not be possible to verify that clandestine nuclear explosions are taking place.

Certain member states of the CCD have consistently maintained that national technical means alone will provide adequate verification. This position was reestablished by the Soviet Union during the exploratory talks. The Soviets and the Swedes have already tabled draft treaty texts in the CCD to which the U.S. could not agree.<sup>4</sup> There is danger in involving the CCD too early. It is essential that the U.S., UK, and USSR reach full agreement on the details of verification prior to involving the CCD in multilateral negotiation of a treaty text. In fact, if it is intended to declare a cessation of testing concurrent with multilateral negotiations in the CCD then it would be preferable to refer a tripartite treaty

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<sup>4</sup> Telegram 1281 from Geneva, February 22, contains the Soviet draft text of a CTB. The Soviets proposed that compliance would be verified by each signatory's "own national technical means of control, in accordance with the generally recognized rules of international law." (National Archives, RG 59, Central Foreign Policy File, D770061-0674) Telegram 1148 from Geneva, February 16, contains the Swedish draft text of a CTB. The Swedes proposed that compliance would be verified by "inspection on its territory or territory under its jurisdiction, such inspection to be carried out in the manner prescribed by the inviting party." (National Archives, RG 59, Central Foreign Policy File, D770055-0918)

text and protocol containing agreed-upon verification details to the CCD for negotiation. This text would be used as an interim treaty during any cessation of testing. I understand that the UK Delegation urged that we consider reaching a binding agreement before any cessation of testing and that as indicated in the report to the President, Dr. Morokhov, the head of the Soviet Delegation, expressed his personal view that a moratorium during multilateral negotiations could have the adverse effect of removing the urgency of completing the treaty and cause other countries to hold back because they already have a U.S.–USSR cessation. I consider it essential that the detailed verification system be installed and operating at the time any bilateral or trilateral cessation of testing starts.

*Duration*

Finally, on duration of the treaty, it should be established that in addition to the Supreme Interest withdrawal clause there should be a provision establishing a Review Conference every five years with the option to withdraw at that time.

I will be prepared to discuss these ERDA positions on the CTB issues in greater detail during the forthcoming SCC meeting.

Sincerely,

**Robert W. Fri**<sup>5</sup>  
*Acting Administrator*

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<sup>5</sup> Printed from a copy that indicates Fri signed the original.

**161. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, June 28, 1977

## SUBJECT

Underground Nuclear Weapon Test Program for the Second Half of FY 1977  
(FULCRUM II)

ERDA has requested approval of its nuclear weapons test program for the second half of FY 1977 (FULCRUM II).

As proposed, FULCRUM II includes tests related to the development of warheads for new strategic and tactical bombs, the M-X, cruise missile, and improved eight-inch artillery shell and other tactical systems, together with several related advanced development tests for R&D purposes. (An ERDA summary of FULCRUM II is at Tab A.)<sup>2</sup> This program was not designed to implement an accelerated test schedule, and it is recognized that it might have to be modified or terminated depending on your decisions regarding cessation of testing and negotiation of a CTB agreement. All agencies agree that FULCRUM II should be approved, subject to resolution of three disputed issues:

*Proximity of Test Yields to the 150 Kiloton Threshold.* The design yields of two tests in FULCRUM II are at or near the Threshold Test Ban Treaty (TTBT) limit, and State and ACDA have recommended that you defer approval of these two tests pending completion of a review of our policy regarding tests near the 150 kt limit. Harold Brown objects to deferral of these tests, arguing that our current testing policy is consistent with our TTBT obligations. He notes that this policy provides for further interagency review, as warranted, of each test near the threshold prior to granting final detonation authority.

This matter was exhaustively reviewed on an interagency basis under the previous administration, and a testing policy was adopted which permits ERDA to test at design yields up to 150 kt by establishing stringent review procedures in order to reduce the probability of actual yields in excess of this limit. (Additional details are provided at Tab B.)<sup>3</sup> We have reviewed this policy and feel that it reduces this risk to an acceptably low level while ensuring against asymmetries with regard to the Soviet testing program. This issue is peculiar to a

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 145, Folder 4, JEC IFG [2] 7702109-7702951. Secret. Sent for action. Carter initialed the top of the memorandum.

<sup>2</sup> Not attached.

<sup>3</sup> Not attached.

partial test ban, and we see no purpose in reopening it at a time when our agencies should be concentrating on negotiating a complete prohibition on testing. Consequently, we recommend that you approve these tests.<sup>4</sup>

*Standard Missile-2 (SM-2).* Two tests, BEAFORT and DANBO, are related to development of a nuclear warhead for the SM-2, a naval air defense system included in a counter to possible Soviet cruise missile threats to our fleet. Originally, however, SM-2 was a tactical ABM, and for this reason these tests are opposed by ACDA and State—as an unfortunate precedent undermining the ABM Treaty.

Harold Brown is in a bind. He feels the SM-2 (designed in the mid 1960's) is obsolete and has indicated that he is not convinced that "the military value of the SM-2 is worth the costs—financial, doctrinal and political." He feels that the high altitude cruise missile threat can be met quite well by other systems. However, because of Navy pressure, he has gone along with ERDA's request for the tests to keep options open should new studies change his mind. OMB objects on programmatic grounds and believes DOD should decide what it wants before testing warheads.

Since the option to proceed with SM-2 will remain even without the tests, and given the other considerations, we recommend deletion of the BEAFORT and DANBO tests from FULCRUM II.<sup>5</sup>

*Insertable Nuclear Warheads.* The final issue concerns ACDA's recommendation for deferral of a test, KNIGHTHEAD, which is related to development of insertable nuclear components for naval weapons. Defense opposes deferral of this test, noting that it is of great interest for possible future warhead options and could enhance nuclear safety and warhead security with a reduction in operational costs. This concept would permit storage of the nuclear components in a single area of a ship and could effectively increase its conventional firepower since it would permit conventional use of firing positions and magazine storage currently reserved for nuclear weapons use. However, this development would also make many conventional weapons into potentially nuclear ones. This could have serious arms control implications since it would complicate verification of any future limitations on nuclear weapons for naval systems. As a result, ACDA has recommended that you defer approval of KNIGHTHEAD pending an interagency study of the military utility and arms control implications of developing insertable nuclear components. We recommend that you ap-

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<sup>4</sup> Carter checked the "Approve" option and wrote "J" in the right-hand margin.

<sup>5</sup> Carter checked the "Approve" option and wrote "deletion" next to it. He also wrote "J" in the right-hand margin.

prove the test but require the study ACDA has requested prior to eventual decision on production of such components.<sup>6</sup>

[5 lines not declassified] They have made it clear, however, that they strongly support your objectives and are prepared to do without this test, if necessary. We recommend that you approve this test subject to the conditions (treaty conformity, safety, press arrangements, etc.) which have been agreed in our previous tests of their devices.<sup>7</sup>

*Neutron Weapons.* As a final point you should be aware that FULCRUM II includes proof tests of enhanced radiation warheads for LANCE and a new eight-inch artillery shell. I recommend that you permit ERDA to complete these tests in order to maintain flexibility for your decisions on production and deployment of these weapons in the context of a review of our theater nuclear strategy.<sup>8</sup>

Subject to your decisions, I will prepare an appropriate memorandum to the agencies concerned.

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<sup>6</sup> Carter checked the "Approve" option and wrote "J" in the right-hand margin.

<sup>7</sup> Carter checked the "Approve" option and wrote "J" in the right-hand margin.

<sup>8</sup> Carter checked the "Approve" option and wrote "J" in the right-hand margin.

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## 162. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>

Washington, July 2, 1977, 2054Z

155109. Exdis—military addressees handle as Specat Exclusive. Following NATO 06260 sent Action SecState June 30, 1977 repeated to you. Quote. NATO 06260. Subject: Warnke Briefing on CTB Discussion.

Summary: ACDA Director Warnke briefed the NAC June 27 on the June 13–16 US-Soviet exploratory talks regarding comprehensive test ban, noting in particular differences on PNEs, verification, and duration. The text of this report has been approved by Mr. Warnke. Action

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770237–0319. Secret; Exdis. Sent for information to all NATO capitals; the Secretary of Defense; the U.S. Commander in Chief, Europe; the U.S. Naval Military Representative to the Supreme Headquarters of the Allied Powers, Europe, in Belgium; the Commander-in-Chief, Atlantic Command, Norfolk; and the U.S. Liaison Office to the Supreme Allied Commander, Atlantic, Norfolk. Drafted by Eric Newsom (EUR/RPM); cleared by Homer Phelps (PM/DCA) and James Timbie (ACDA); and approved by James Thyden (S/S).



requested: Suggest Department repeat to AmEmbassy Moscow, all NATO capitals, and appropriate military addressees. End summary.

1. Briefing on the US-Soviet exploratory discussions regarding a CTB, which took place in Washington June 13–16, Warnke said the atmosphere was cordial and positive. The talks were very preliminary, in anticipation of US–UK–USSR negotiations but were wide-ranging, covered key issues, and identified five important problem areas:

A) While both sides agreed that a CTB could make a real contribution to controlling the nuclear arms race and to non-proliferation, the US referred to them as “comprehensive nuclear test ban” talks and the Soviets referred to them as talks on “a general and complete prohibition of nuclear weapons tests,” the term used in the draft treaty submitted by the Soviets to the CCD at Geneva.

B) While both agreed that the talks should be conducted in a manner that would elicit maximum support from other countries, the Soviets wished to work out substantially full text of a possible treaty in trilateral talks. The US on the other hand wanted to develop only the key elements in the trilateral talks and then to elaborate a treaty in multilateral negotiations at the CCD.

C) The Soviets maintained that peaceful nuclear explosions (PNEs) are important to the Soviet economy, that a ban on PNEs would be inconsistent with Article 5 of the NPT, and that technical means are available to insure that military benefits are not derived from PNEs. The US on the other hand believed that a CTB must prohibit PNEs, and that no valid claim could be made that nuclear parties to the NPT were practicing discrimination by not providing nuclear technology benefits if they themselves had concluded PNEs had no such benefits and would be foregone. Not to prohibit PNEs, in the US view, would encourage proliferation and serve as a pretext for other countries to emulate the example of India. The US believed that there is no technical way to prevent either side from deriving military benefits from PNEs.

D) Regarding duration, the US and USSR agree that nuclear tests could be suspended on a trilateral basis for a certain time. However, there are differences regarding the length of time before withdrawal provisions could be invoked. The US preferred a longer period than does the USSR.

E) On verification, the Soviets stressed national technical means, mentioned willingness to exchange seismic data, and also noted the possibility of a type of voluntary on-site inspection by challenge, whereby the challenged party could either agree to on-sites or take action as it sees fit to satisfy the challenge.

2. In summing up, Warnke noted that PNEs seemed to be the biggest problem, that questions of verification remained to be worked out, and that differences on duration did not appear to be insurmountable. Trilateral CTB discussions, including the UK, would begin on July 13 in Geneva.

3. Pauls (FRG) asked whether the US considered harmless or at least tolerable small-scale tests that could not be detected by seismic methods. He also asked about the relevance of Soviet interest in cra-

tering PNEs and about Soviet interest in standardizing and harmonizing the design of devices for PNEs to facilitate verification. Svart (Denmark) asked about the genuineness of Soviet interest in PNEs for the Soviet economy and possible differences among USSR officials in this area.

4. Warnke said a great deal of work still had to be done before the US could determine what would be satisfactory to verify a CTB. At the same time, verification had to be considered from the standpoint of both a suspecting country and a country that might be tempted to cheat. While the US was an open society, the Soviet Union had the problem of potential defectors and would have to be extremely cautious not to place itself in a position where there is even a small chance of its being found undeniably to be cheating on a CTB agreement. He said the US had mentioned the possibility of tamper-proof unmanned devices to improve seismic detection capabilities, and would be exploring such possibility further with the Soviets. As to the use of PNEs for cratering, Warnke said the US believes that such use would be greatly constrained by the Limited Test Ban Treaty, and this might gradually limit Soviet interest in retaining PNEs for cratering. The Soviets had expressed interest in standardizing PNEs and foregoing any improvements in devices used for PNEs, as well as in facilitating on-site inspection and outside participation in all stages of PNEs. Warnke acknowledged that there might be differences among Soviet officials regarding the utility of PNEs, but added that the head of the Soviet Delegation appeared to have a deep interest in PNEs. End text.

Bennett.

Unquote.

**Christopher**

**163. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, July 11, 1977

**SUBJECT**

Instructions for Trilateral CTB Negotiations

Following our bilateral CTB discussions with the British and Soviets, the SCC has reviewed remaining issues in preparation for trilateral CTB discussions, which begin next Wednesday<sup>2</sup> in Geneva. This session is expected to last about two weeks, and there is general agreement that we should continue the exploratory approach you authorized for our bilateral talks,<sup>3</sup> deferring firm decisions on verification and moratorium questions pending further exploration of Soviet flexibility on these issues.

This is particularly important in the verification area since we believe we should determine essential verification objectives and insist on accomplishing them, rather than using verification as a bargaining chip. If we establish excessive verification goals which would be relaxed in subsequent negotiation, we run the risk of generating criticism as to the adequacy of the agreement in a crucial area.

We have prepared a proposed letter from you to Paul Warnke at Tab A which is consistent with this approach and with your marginal comments on Warnke's recent CTB report.<sup>4</sup> You may wish to give it to him at your meeting on Monday.<sup>5</sup>

In addition, Harold Brown would like to add the proviso that we should reach agreement with the Soviets on verification before we would agree to a moratorium or a suspension of tests. State, Paul Warnke and I believe that in this exploratory stage when we do not yet have an official Soviet reaction on the question of a moratorium, it is premature to begin imposing conditions. We have not even decided we want one.

We believe you should keep your options open and reach a judgment on this question in the context of deciding on our overall position. Accordingly, the letter to Paul would have him stress the importance of

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PRM/NSC-38. Secret. Sent for action. In the upper right-hand corner an unknown hand wrote "All actions (Presidential annotations) completed per D.A."

<sup>2</sup> July 13.

<sup>3</sup> Not found.

<sup>4</sup> Not found.

<sup>5</sup> July 18.

verification but make no linkage one way or another to a moratorium. If you would like Harold's condition included in the letter, we will revise it.

\_\_\_\_\_ leave as is<sup>6</sup> \_\_\_\_\_ revise

The other issues covered in Paul's instructions enjoy a consensus in the SCC, at least at this stage.

*Political Aspects.* The Soviets can be expected to take advantage of any opportunities to use the CTB to drive a wedge between us and the Chinese and, to a lesser degree, the French. This is what lies behind their suggestion of an agreement that would expire after 18 months if France and China do not join. In view of the difficulties such a guillotine approach could generate, particularly as we try to normalize relations with Peking, we recommend that Paul Warnke be instructed to probe Soviet views more vigorously on this issue in the trilateral talks.<sup>7</sup>

*Moratorium.* Soviet Delegation Chairman Morokhov did not have instructions on this issue when Warnke raised it with him last month, and Paul is instructed to pursue it without commitment and subject to your decision (above) on linking it to verification.

*Relationship to CCD and SALT.* The Soviets were not very receptive to our approach of asking the Conference of the Committee on Disarmament (CCD) to negotiate the CTB treaty text as soon as trilateral agreement is reached on so-called "key elements." However, since CCD involvement would be helpful in enhancing widespread adherence to the treaty, we recommend that we continue exploring this approach, but indicate that we would want full elaboration of all issues of national security importance prior to placing the negotiations before the CCD.<sup>8</sup>

We are also concerned about the linkage between CTB and SALT. The relationship of these two efforts will need to be considered in the context of possible expiration of the Interim SALT Agreement,<sup>9</sup> but we recommend that Warnke keep the trilateral CTB discussions (and delegations) separate from the SALT and CCD discussions at this point.

*Soviets Statements on PNEs.* The Soviet suggestion on PNE verification could substantially reduce the military risks in permitting

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<sup>6</sup> Carter checked the "leave as is" option and wrote "But emphasize verification." An unknown hand wrote "Done" in the right margin.

<sup>7</sup> At the end of this paragraph, Carter wrote "We need 3 years."

<sup>8</sup> At the end of this paragraph, Carter wrote "I'm not sure about this. Cy should get PRC opinion on worldwide approach—informally from Huang." An unknown hand wrote "Done" in the right-hand margin.

<sup>9</sup> The SALT I Interim Agreement, signed in Moscow on May 26, 1972, was scheduled to expire on October 3.

PNEs, but a treaty allowing any PNEs would lose much of its non-proliferation value. Since there is still a possibility that the Soviets eventually will yield on this issue, we recommend that we continue to press hard at present for a ban on PNEs while remaining attentive to Soviet ideas on PNE verification.

*On-Site Inspection (OSI).* Although OSI would have little technical verification value, a provision in the CTB treaty for on-site inspection is believed to have considerable political value. The Soviets have offered a voluntary provision, and there is general agreement that we should attempt to build<sup>10</sup> on this provision with the objective of obtaining the strongest possible commitment from them in this area. We recommend that Warnke explore alternative formulations with this objective in mind prior to determination of our negotiating position.

*Black Boxes.* Our recommendation is that Warnke should continue at present to explore black boxes with the Soviets but that the SCC should more exhaustively explore their cost and utility, possible offsetting improvements in our national means, and the practicality of evasion scenarios, prior to making a final decision.<sup>11</sup>

#### *The Next Stage*

We anticipate that the principal outcome of this next round of exploratory talks may be a decision to begin formal trilateral negotiations. We can handle this in a way that either maximizes or minimizes the political impact. Paul will seek instructions on this point.

#### *RECOMMENDATION:*

That you sign the instruction letter to Paul Warnke at Tab A.

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<sup>10</sup> Carter corrected the spelling of the word “built” here by writing a “d” over the “t.”

<sup>11</sup> At the end of this paragraph, Carter wrote “Check w/Press.” An unknown hand wrote “Done” in the right-hand margin.

## Tab A

### Letter From President Carter to the Director of the Arms Control and Disarmament Agency (Warnke)<sup>12</sup>

Washington, July 11, 1977

To Paul Warnke

In the trilateral CTB discussions which begin on July 13, I want you to continue the exploratory approach that I outlined in my letter of June 13,<sup>13</sup> with the following specific objectives:

—Explore Soviet views on the political aspects of a CTB, with particular emphasis on avoiding a participation and review formulation that would be contrary to our bilateral interests with France and the People's Republic of China. You may indicate that a shorter duration of perhaps three or four years would be acceptable if a satisfactory approach on this issue can be worked out.

—Determine whether the Soviets have an official response to your exploratory question regarding the desirability of suspending nuclear explosions at an early stage of the negotiations. I will want to review their response before making a decision on this issue.

—Indicate that in the US view, we should reach full agreement tri-laterally on all issues of national security significance, before forwarding these key elements to the Conference of the Committee on Disarmament for negotiation of a complete treaty text.

—Continue to stress the importance the US attaches to adequate verification. In this context you should:

- Reaffirm the US position that PNE's should not be permitted under a CTB, and comment on Soviet PNE verification proposals.
- Express the view the installations of internal networks of secure seismometers in the US and USSR could contribute to increased confidence in compliance with a CTB and seek Soviet views on that matter.
- Explore alternative formulations to the Soviet on-site inspection proposal, with a view toward trying to get as strong a commitment from them as possible, and indicate that all rights and functions of the inspection teams should be agreed explicitly.

The SCC will continue its analysis of our CTB verification capability and requirements. I will want to review this analysis and the results of your discussions before making further decisions on these issues.

Depending on the course of your exploratory discussions, I would be prepared to enter into formal trilateral negotiations for the development of a comprehensive ban on nuclear explosions. You should con-

<sup>12</sup> Secret.

<sup>13</sup> Not found.

sider this issue with the British and the Soviets and seek instructions on the substance and timing of any announcement.

I am encouraged by the progress you have made and want you to continue to devote high priority to this effort. In this regard, you should ensure that our CTB discussions proceed separately from the ongoing SALT negotiations and the meetings of the Conference of the Committee on Disarmament in order to ensure adequate emphasis on this objective.

Sincerely,

Jimmy Carter

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**164. Memorandum From the President's Deputy Assistant for National Security Affairs (Aaron) to Vice President Mondale, Secretary of State Vance, and Secretary of Defense Brown<sup>1</sup>**

Washington, July 19, 1977

SUBJECT

SCC Work Program for Comprehensive Test Ban (CTB) Discussions

The SCC Working Group should continue its review of verification issues, taking into account developments in the ongoing trilateral CTB discussions, with the following specific tasks:

—By August 1, prepare an analysis of the incremental contribution of unmanned seismic stations to our national technical means, beginning with an analysis of the cost, location and contribution of one station or array, and including increasingly larger numbers of stations and arrays as appropriate.

—By August 1, prepare an analysis of the technical feasibility, utility, risks and costs of CTB evasion scenarios. This analysis should include an evaluation of the implications of the improved method for estimating the yield of nuclear explosions from seismic data.

At the request of the President, Frank Press will establish an *ad hoc* scientific group to review and evaluate the responses to the above tasks prior to their consideration by SCC.

In addition, the SCC Working Group should:

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Agency File, Box 1, Arms Control and Disarmament Agency: 1-7/77. Secret. Copies were sent to Press, Warnke, George Brown, Turner, and Fri.

—By August 15, prepare a safeguards plan concerning measures that could be taken under a CTB to adequately maintain our nuclear weapons design capability and the reliability of our stockpiled weapons, and to ensure readiness to resume nuclear weapons testing, if necessary. This should include an analysis of the facility and test site maintenance that would be required, and the types of experiments that might be conducted under a CTB.

—By August 15, review our current and planned national technical means, including options for further improvements, and develop a proposed interagency management plan to ensure the effective utilization of all government resources in monitoring a CTB agreement.

David Aaron

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**165. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, August 1, 1977

SUBJECT

Report on Trilateral Consultations on a Comprehensive Test Ban

We have recently concluded two weeks (July 13–27) of consultations with the Soviets and British in Geneva on the question of a comprehensive test ban. This initial round of trilaterals, like the bilateral discussions held in Washington with the Soviets in June,<sup>2</sup> was exploratory and somewhat tentative in nature. Nonetheless, the three delegations proceeded quickly beyond a general discussion of objectives and negotiating procedures to an intensive and highly purposeful exchange of views on the major substantive issues.

The question of peaceful nuclear explosions (PNEs) was clearly the dominant issue of the round, and the one which U.S. and Soviet positions diverged most sharply.<sup>3</sup> The Soviets devoted most of their energies to making their case for a PNE exception, and were reluctant to deal with other matters in comparable detail. All three Delegations presently regard the PNE issue as, by far, the most serious obstacle to an agreement. It could also become a critical bottleneck, with the So-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Agency File, Box 1, Arms Control and Disarmament Agency: 8/77–2/78. Secret.

<sup>2</sup> See Document 159.

<sup>3</sup> The Soviet position is discussed in telegram 6401 from Geneva, July 28; National Archives, RG 59, Central Foreign Policy File, D770271–0123.



viets unwilling to adjust their positions on less central matters until the PNE issue is resolved.

Despite the concentration on PNEs, the initial round gave us an opportunity to probe Soviet thinking on the other substantive matters covered in your instruction letter of July 11,<sup>4</sup> including such verification measures as secure, internal seismic networks and on-site inspections as well as such political/legal issues as the adherence requirement for entry into force, duration, and withdrawal provisions. Although the Soviets consistently stood by the provisions of their draft CTB treaty covering these matters, the consultations gave us a better impression of where they may eventually be flexible.

The British were a positive factor in the talks, reinforcing our positions effectively on key matters while taking exception with us infrequently and only on minor issues. The Soviets see this as a two-sided negotiation which, with the convergence of U.S.–U.K. positions and close coordination between the U.S. and U.K. Delegation,<sup>5</sup> it really is.

Both the British and the Soviets expressed reluctance to accept our suggestion that the first round of formal negotiations be held in London this Fall. They both expressed a preference for Geneva on the ground that their facilities in Geneva were more adequate for their purposes.

The three Delegations have agreed to resume the trilaterals in Geneva on October 3 and to remain in close contact during the interval preceding the next round.

The following is a summary of the major issues covered during the initial round of trilaterals.

#### *Peaceful Nuclear Explosion*

Discussions on PNEs focused on two principal questions; whether it is possible to carry out PNEs without acquiring military benefits and whether non-proliferation objectives would best be served by a PNE ban or a PNE accommodation.

On the first question, we explained in detail our position that PNEs would inevitably provide military benefits, no matter how intrusive the arrangements designed to constrain those benefits. In this connection, we pointed out that a PNE program: would (a) provide the infrastructure to the state carrying out the program to maintain personnel and facilities specialized in the design, fabrication, and use of nuclear explosives at a substantially higher level of competence and readiness than

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<sup>4</sup> See Tab A, Document 163.

<sup>5</sup> The U.S.–UK discussions held before the trilateral talks are reported in telegram 172338 to London, July 22; National Archives, RG 59, Central Foreign Policy File, D770263–1012.

would be the case if all nuclear explosions were banned; (b) provide information on the effects of nuclear explosions that would assist in the design and protection of weapon systems; and (c) facilitate assessments of the reliability of a state's stockpile of nuclear weapons, whose explosive design features could parallel or be identical to design features of the explosives used in the PNE program. In addition, we indicated that we were unaware of any reliable means of verifying that design improvements were not being introduced while conducting PNEs, but emphasized that, even if device standardization could be guaranteed, this would not eliminate the other military benefits enumerated above.

The Soviets, however, took a more narrow view of military benefits, claiming that such could be precluded by freezing explosive device design and by prohibiting diagnostic measurements of explosions and by verifying that each device used in the PNE program conformed to certain specified parameters (in this connection, mentioning as examples total yield, fission yield, and the ratios of amount of selected radioactive debris products). Morokhov, head of the Soviet Delegation, repeatedly sought to draw us into a technical examination of how device improvement could be effectively precluded. We resisted those efforts, indicating that we did not consider it promising to get involved in the technical consideration of proposals which, even if feasible and practicable, did not even purport to deal with a number of important military benefits (e.g., maintenance of nuclear explosive device "infrastructure") that we had identified. It should be noted that their proposals as stated would not assure that some device development was not being carried out.

On non-proliferation, the Soviet side contended that a ban on all nuclear explosions would be resisted by non-nuclear weapon states wishing to receive the benefits of PNE technology and would give some of those states the excuse that only indigenous nuclear explosive development would enable them to realize those benefits. On the other hand, we maintained that non-nuclear weapon states have showed little interest in PNEs, and that a number of critical states that have not joined the Non-Proliferation Treaty would almost certainly reject a discriminatory agreement which permitted only existing nuclear powers to carry out nuclear explosions.

It is still difficult to predict how firmly the Soviets will maintain their position on PNEs. Morokhov, who represents the Soviet agency responsible for PNEs, has certainly made every effort to demonstrate inflexibility. He has claimed that all Soviet government agencies are agreed on the need to preserve PNEs, that the USSR cannot afford to give up a technology that will make a major contribution to the national economy, and that there will be no CTB treaty without PNEs. The question remains, however, whether the Soviet political leadership will

permit the alleged potential benefits of PNEs to stand in the way of an objective to which the Soviets have long been committed and which could have important effects on U.S.-Soviet relations as well as global non-proliferation efforts. Interestingly, the Soviet military Delegate volunteered to our military Delegate informally that military benefits would accrue from PNEs, albeit he minimized their importance. It is also interesting that the Ministry of Foreign Affairs representatives on the Soviet Delegation, when asked this question, do not attempt to defend the Soviet PNE position, but rather say that the issue will have to be resolved at the highest levels.

Our overall impression is that the Soviet government has not made the political decision to press ahead with PNEs at the cost of abandoning a CTB. However, it is clear to us that it will be futile to try to resolve the issue of PNEs solely in the context of the trilateral negotiations. Our case will have to be presented at a higher political level. Cy Vance's meeting with Gromyko in early September would provide a good opportunity to demonstrate our firmness on the issue and to appeal to U.S.-Soviet interests that transcend the possible economic value of PNEs.

#### *Verification*

Our presentations on verification were devoted mainly to outlining, and seeking Soviet reactions to, our ideas on the installation of secure seismic stations on U.S. and Soviet territory, and to calling for a stronger position on on-site inspections than the one contained in the Soviet draft treaty. On the question of internal seismic stations, the Soviet side expressed the view that such supplementary verification was unnecessary in view of the adequacy of national technical means. This response, however, was tentative and far from a categorical rejection. They maintained, for example, that the U.S. side had failed so far to submit sufficiently convincing technical arguments for internal stations. They did, however, exhibit a good bit of interest in the technical details we presented. The Delegation has the impression that the Soviets ultimately will be prepared to accept some number of secure stations on their territory—although we would not expect them to show flexibility on this point until the PNE issue is resolved.

With respect to on-site inspections, we pressed the Soviets to go along with the idea that, once an inspection visit is authorized, the rights and functions of observers should not be left to *ad hoc* determination, but should instead be explicitly agreed upon in advance in an annex or protocol to the treaty. Although the Soviet Delegation was not prepared to say so formally, we received informal indications that such a detailed annex or protocol would ultimately be acceptable. However, the Soviets continued to emphasize the importance they place on the "principle of voluntariness," which, as contained in the Soviet draft

treaty, provides for on-site inspection only if the party suspected of a violation agrees on the need for an inspection.

#### *Entry into Force and Withdrawal*

The Soviets continued to support the provisions in their draft treaty which requires adherence by all nuclear powers before entry into force. They also reiterated their suggestion that, upon signature of a CTB treaty with such an entry into force provision, the U.S., U.K., and U.S.S.R. should suspend testing for 18–24 months. If by the end of that period the requirement for entry into force of the treaty was not met, the three would be free to resume testing.

We pointed out that the Soviet idea was counter-productive in terms of the objective of encouraging all nuclear powers to join a CTB, that the scheme would at best result in a short hiatus in US–UK–USSR testing, and that it would not as effectively constrain non-nuclear weapons states not party to NPT from developing an indigenous nuclear explosive capability. We suggested instead a treaty that would enter into force without adherence by all nuclear powers, but would provide for the right to withdraw after about five years. From several discussions with the Ministry of Foreign Affairs representatives on the Soviet Delegation, we have the clear impression that the Soviets will eventually be able to accept something along the lines of our proposal.

#### *Moratorium*

As instructed in your July 11 letter, I followed up on the exploratory question I had raised with Morokhov during the June bilateral meetings about the desirability of suspending nuclear explosions at an early stage of the negotiations. In a meeting of the heads of the two Delegations, he again maintained that such a moratorium would serve no useful purpose, but might instead remove incentives for completing the negotiations and could thus delay their conclusion. He went on, however, to state somewhat cryptically that others might decide on a moratorium “unconnected with the treaty.” I would suggest that we hold off on the question of a moratorium at the Delegation level until such time as we have reached trilateral agreement on the key elements of a CTB treaty. At that time, the Soviets are likely to see the matter in a different perspective.

**Paul C. Warnke**

**166. Memorandum From Secretary of State Vance and the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, September 6, 1977

SUBJECT

Proposed Strategy for CTB Negotiations

*General Approach*

The strategy suggested in this memorandum has two basic purposes:

—*Accelerating the shift to concrete negotiation* of practical solutions with the Soviets;

—*Increasing Soviet receptivity to sound solutions* which will be advantageous over the long haul.

We believe we can now foresee the general shape of desirable, and possibly negotiable, outcomes on the three major issues—peaceful nuclear explosions, verification, and participation by France and China. Moreover, we can credibly portray these solutions as genuinely taking into account the viewpoints of both sides. To give these approaches the maximum weight possible, and to ensure that they are given serious high-level consideration in Moscow, we recommend that you approve our giving the attached draft memorandum (Tab A)<sup>2</sup> to Dobrynin, for transmission to senior levels in Moscow, as an authoritative statement of U.S. views and proposals.

Realistically, such a memorandum may not persuade the Soviets to see all the issues our way because, in fact, we are addressing problems of great complexity and sensitivity. But the prospects of it bringing the two sides closer together quickly are great enough, in our judgment, to warrant the effort. Moreover, such an initiative would, in the broadest perspective, be consistent with our basic strategy of stimulating productive negotiations with the Soviets on an important arms

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Agency File, Box 1, Arms Control and Disarmament Agency: 8/77–2/78. Secret; Nodis. The memorandum was attached to a September 15 covering memorandum from Brzezinski to Harold Brown and Fri which asked for their comments by September 20. In the upper right-hand corner of Brzezinski's memorandum, Brown wrote "9/16. MSH—I think it improper that we are given 2 days to comment on a memo 10 days old. Perhaps this is [illegible] one I should [illegible] to ZB's attention. (perhaps [illegible] a cover [illegible]). HB." Next to Brzezinski's signature, Brown also wrote "Walt—I have read the memo for President, only scanned Tab A. This seems to [illegible] one of the better efforts. What does Gerry [illegible] think? HB."

<sup>2</sup> Attached but not printed.

control subject—particularly since more time may be required for meaningful progress on SALT.

### *Where We Stand*

A report on the last round of consultations is attached (TAB B).<sup>3</sup> We would add the following comments regarding the present situation:

—*We are now at an important moment of opportunity.* Neither side has locked itself into unbudgeable positions. Even on PNEs, the Soviets are groping for ideas to make their approach workable.

—*But much depends on us.* The Soviets, in our judgment, have not thought through the issues as well as we have. Well-reasoned and fair proposals given to the Soviets *soon* could make a crucial difference in whether we drift into stalemate or whether we lead the negotiations towards early concrete progress.

—*The senior political levels on the Soviet side should now be engaged.* We have had good exploratory discussions with the Soviets. But these have been somewhat unusual in being dominated by a head of Delegation who is primarily a technical official and—as the head of the Soviet Government’s PNE program—one who has an understandably strong personal interest in this particular issue. This could result in undue emphasis on preserving PNEs, and also, conceivably, failure to convey to us fully Soviet feelings on such sensitive political issues as the Chinese participation problem.

—*The timing for the next round is favorable for U.S. leadership efforts.* If we can get the major lines of our approach to the Soviets soon, they will have several weeks to think through the problems. They will naturally already have before them an account of the arguments we presented during the last round. If we waited until October to begin suggesting approaches for reconciling our differences, we might find the Soviets arriving in Geneva with little flexibility. An early presentation at a high level could have maximum impact in getting the two sides lined up in the same general direction on key issues. And this, of course, is a necessary precondition to meaningful negotiation of precise language on key issues. The deputy Soviet representative told us at the end of the last round that he hoped “political decisions” might be made before October.

### *Nature of Proposed Memorandum for Dobrynin*

In preparing the proposed draft, we have kept several basic considerations in mind:

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<sup>3</sup> Not attached.

—We have concentrated on the individual merits of *each* of the three main issues—portraying our approach in each case in terms of a middle ground or a solution which serves both sides' basic purposes. We want to avoid a situation of appearing merely to request three things from the Soviets so that, if they give us something on one of the issues, they can claim that we owe them on the others.

—We have framed the arguments so that we would be mainly exploring and advocating key purposes and approaches, rather than presenting detailed formulae. This will permit flexibility and room for maneuver if the Soviets should develop variants or alternatives that have some merit.

—Finally, we have framed the positions in the memorandum having in mind that these should be reasonable and attractive enough to stick with for some time if the Soviets do not come around sufficiently. We will, of course, always retain the privilege of reassessing any specific elements whenever circumstances seem to warrant.

#### *Peaceful Nuclear Explosions*

It seems to us important that we do our best now to get the Soviets away from insistence on permitting peaceful nuclear explosions. On the merits, we believe our position of seeking to halt all nuclear explosions is right, and we should do everything reasonable to see that our arguments are considered at a high political level. But, as we indicated, given the personal stake of the Soviet Delegation head in his country's PNE program, we cannot be certain that our arguments have been fairly reported up the line in the Soviet bureaucracy.

The main points we should continue to stress are these:

—A PNE program requires an infrastructure of test-experienced nuclear explosive designers, manufacturing and testing facilities, and the opportunity for testing which would support reliability estimates of the weapons stockpile. We believe there is no way to exclude these significant military benefits from such a program. Therefore, if PNEs were permitted now under a CTB, whatever the effort at inspection, we would almost certainly find ourselves and the Soviets competing with PNE programs in which both of us, sooner or later, would be trying to derive as much military benefit as possible. It would simply be imprudent for either of us not to do so if the other side was conducting PNEs. Others would recognize what was taking place. Much of the value of a CTB would be lost.<sup>4</sup>

—Permitting PNEs under a CTB would, overall, have a negative impact on our current non-proliferation efforts. It would perpetuate the

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<sup>4</sup> Brown wrote a check mark to the right of this paragraph.

rationalization that there is a valid reason for others to develop their own nuclear explosive devices. Incidentally, an encouraging report has recently come in from Joe Nye's consultations in India:<sup>5</sup> senior Indian officials indicated their opinion that it would be helpful to the Prime Minister if the U.S. and the USSR agreed to forego PNEs in a CTB.<sup>6</sup>

To make our presentation as effective as possible, we are suggesting that we include in the memorandum a significant new element which can credibly be portrayed as responding to Soviet concerns. This is the suggestion that the treaty, instead of banning PNEs outright and forever, could reflect that the parties would keep under continuing review whether the military benefits of PNEs can be eliminated. However, PNEs would not be allowed unless and until mutually acceptable agreement were worked out. This approach could be a significant face-saving device for the Soviets, particularly if the preamble reflected that the treaty did not preclude forever such possible economic benefits from PNEs as might be realized. This formulation would avoid making the past Soviet investment in its PNE program look like a complete waste. As a possible further inducement to the Soviets, we could offer to discuss with them our experience in developing large-scale conventional engineering techniques which have made PNE possibilities look even less attractive than earlier.<sup>7</sup>

By suggesting deferral as a way out, we would also be meeting one Soviet point which may have some validity; it is probably true, as the Soviets argue, that a fair number of non-nuclear countries would take some comfort in the idea that we were keeping open a possibility of using PNE technology for everyone's benefit, even if that were a distant and uncertain prospect.

One final point—if we are looking for an acceleration of productive negotiations, it would not be promising to pursue the Soviet position of permitting PNEs with inspection. Wholly aside from the fact that such inspection would not eliminate military benefits, it would precipitate an extremely difficult and time-consuming negotiation. The inspection procedures would undoubtedly be highly contentious, requiring agreement on technical definitions and detailed provisions regarding such factors as access, sampling, device design and emplacement. This task, involving negotiation of inspection procedures to try to minimize military benefits, would be far more demanding than was

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<sup>5</sup> In telegram 1848 from Bombay, August 2, the Consul reported that Prime Minister Rajiv Gandhi "needed strong justification for giving up his freedom of action" on the issue of PNEs "and said that an agreement between the US and the USSR to give up PNEs under the CTB would help." (National Archives, RG 59, Central Foreign Policy File, D770276-0753)

<sup>6</sup> Brown wrote a check mark to the right of this paragraph.

<sup>7</sup> Brown wrote a check mark to the right of this paragraph.



the negotiation of inspection provisions for the PNE Treaty of 1976 which involved only procedures to confirm that individual explosions did not exceed the 150-kiloton threshold. Even so, negotiation of the inspection provisions for the PNE Treaty required most of two years.

For all these reasons, we believe we can best serve our interest in moving rapidly toward negotiations and the prospect of sound results by pressing the Soviets at the highest level to forego a PNE exception in the CTB treaty, while offering them a significant face-saving element—*deferral* rather than permanent prohibition of PNEs. One possible straw in the wind: a Soviet military official commented to one of our Delegation officers in Geneva that the PNE issue might be like the XVIII Amendment to the U.S. Constitution—drinking was banned but later permitted by further amendment.<sup>8</sup>

### *Verification*

The elements of a reasonable verification package might also now be pressed on the Soviets. We could pick up their willingness to have on-site inspections whenever there is mutual agreement to permit one. But we could reasonably insist that there also be agreement on the rights that inspectors would need to perform their mission effectively. Similar agreement was elicited from the Soviets in the PNE Treaty.

In addition, we could ask for agreement on a relatively small number of automatic and secure seismic stations in each of our countries. The Soviets may not ultimately accept this; but they have not yet been firmly negative, and it seems worth a try. If we did succeed, it would be a breakthrough, valuable in and of itself, and also helpful domestically.<sup>9</sup> You will have before you shortly an interagency study on the value of different numbers of automatic seismic stations, and this should permit you to decide more precisely on what we should ask for. We would not, however, have to specify the exact number in the memorandum for Dobrynin. That could be decided later.

With the Soviets, we could make the pitch that we are meeting them halfway in not insisting on mandatory on-site inspections—an historic shift for us. Actually, from our standpoint, it is arguable that the difference between “mandatory” and cooperatively-arranged inspections is largely illusory.<sup>10</sup> A provision for cooperatively-arranged

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<sup>8</sup> Brown lined through the sentence “One possible straw in the wind: a Soviet military official commented to one of our Delegation officers in Geneva that the PNE issue might be like the XVIII Amendment to the U.S. Constitution—drinking was banned but later permitted by further amendment.” In the right margin he wrote an arrow and said “I agree fully with the position proposed by US, but not with the Sov officer’s analogy.” In the left margin he wrote “take out.”

<sup>9</sup> Brown wrote “I agree” to the right of this sentence.

<sup>10</sup> Brown wrote a check mark to the right of this sentence.

on-sites is likely to accomplish about all that any on-site inspection provision is capable of. In fact, no on-site inspections, mandatory or otherwise, will accomplish a whole lot if there is not cooperation of the host government. For example, in remote mountainous terrains of the Soviet Union, it is hard to imagine how any foreign team could operate effectively over a large area and for a sustained period if the Soviets were bent on throwing up harrassing obstacles.

Moreover, we are really not likely to ever request an on-site inspection, "mandatory" or voluntary, just for a fishing expedition—the risk of coming up with an embarrassing absence of evidence would be too great—but only when we are confident there has been a violation and that we could find the evidence if we arrived at precisely the right place. But, if such a situation were to occur, the Soviets would not be likely to let us get there, whatever the wording of the treaty. So, in the end, the right to ask for an inspection would mainly be useful as a further inhibition against violations because it would strengthen our hand in demonstrating—by their refusal to permit an inspection—that the Soviets had something to hide. (This, of course, is very different from consulting with the Soviets through private diplomatic channels to try to resolve an ambiguous situation.)

### *Entry Into Force*

The present Soviet position is that the treaty would come into force only when all nuclear powers have ratified. The Soviets suggest, however, that there might be a US–UK–USSR moratorium for 18–24 months once the negotiations have been completed—with the freedom to resume testing thereafter if all nuclear powers have not accepted the treaty. A high-level presentation would stress to the Soviets that their position would inevitably boomerang. The Chinese (and the French) would reject such crude pressure. There would, therefore, only be a brief and temporary halt in our own testing; and there would be no opportunity for important non-nuclear-weapon states to accept formal treaty constraints.

We can present our alternative as one which meets the objectives we both share. If the treaty entered into force for a specified period, parties could decide at the end of that period whether it was necessary for them to withdraw. (Although we are prepared to agree to a period as short as about three years, it would be advantageous at this stage to speak in terms of roughly five years.)<sup>11</sup> After the treaty was in force, and with the accession of a number of other states, there would almost certainly be increasing though subtle pressure, over time, on France

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<sup>11</sup> Brown wrote a check mark to the right of the sentence in parentheses.

and China. As a result, even if they did not adhere in this period, their rate of testing might sag even below its already quite slow pace.

Despite the obvious logic of our position, this issue is still worth a high-level presentation because it is one of extreme sensitivity for the Soviets and, unless we succeed in bringing the Soviets around, we may have little to show for our efforts. We could not, of course, join with the Soviets in their solution involving, as it does, only a testing pause and creation of a propaganda stick which the Soviets would use against the Chinese.

#### *Conclusions and Recommendations*

In conclusion, we recommend that you authorize us to provide the attached draft memorandum to Dobrynin for transmission to Moscow because we believe this could significantly increase the chances of moving more rapidly toward concrete negotiations, and toward a better agreement. We are, of course, quite conscious of the desirability of not painting ourselves into a corner. We do not believe arguments along the lines of those in the attached draft would do so.<sup>12</sup> And it is possible that our high-level presentation could open some important doors for us.

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<sup>12</sup> Brown wrote a check mark to the right of this sentence.

**167. Memorandum From Secretary of Defense Brown to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, September 21, 1977

SUBJECT

Proposed Strategy for CTB Negotiations (U)

(U) The Department of Defense has reviewed the proposed strategy paper concerning the U.S. position in the Comprehensive Test Ban (CTB) negotiations.<sup>2</sup> We support the general thrust of the paper but believe that some clarification and modification are required to minimize the potential impact on U.S. national security.

—(S) *Peaceful Nuclear Explosions (PNE)*. We must recognize that a treaty which does not ban all nuclear explosions by all nuclear powers is, by definition, not comprehensive. We do not view PNE to be acceptable in the long or short run; they must be discontinued to preclude military benefits from the testing of any nuclear explosive devices. We would expect the Soviets to continue their research, development, and engineering of nuclear explosive devices, and remain poised to resume testing at an opportune time. From this, they would be able to acquire military benefits the U.S. may deny itself. Because of this asymmetry, we feel that the PNE deferral proposal should contain some form of review after a specified period such as five years. Insistence on a formal review would better demonstrate that this issue will remain a major concern of the U.S.

(S) The tone of the memorandum to the President is more optimistic than is warranted. In that respect, I do not agree with the relevance or accuracy of the analogy attributed to a Soviet military official (page 5, second paragraph).<sup>3</sup>

—(S) *Verification*. A related issue is the need, in our CTB strategy, to address what concessions the Soviets may expect from us if they agree to terminating PNE. Some aspect of our verification proposal would be the likely target, since the Soviets would have little concern about the U.S. resuming a PNE program. The proposed strategy should specifically state that a technically adequate number of automatic and secure seismic stations inside the U.S.S.R. are a *sine-qua-non* of the U.S.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 63, A-400.112 TEST BAN (Aug-Dec) 1977. Secret; Noform.

<sup>2</sup> See Document 166.

<sup>3</sup> See footnote 8, Document 166.

position. The Dobrynin memorandum (on page 3 line 10)<sup>4</sup> should also state "... a necessary number of *secure automatic* seismic observatories ...," not "unmanned, unobtrusive seismic observatories." The words "unmanned" and "unobtrusive" could complicate the negotiations. The proposed strategy should further state that on-site inspections, whether "mandatory" or "cooperatively arranged" remain an integral part of the U.S. position.

(S) While I fully appreciate the sense of urgency to take advantage of perceived opportunities in timing, I want to emphasize that an acceptable long-term resolution has the higher priority. On-going technical study and development of verification measures are essential but still incomplete; e.g., what nuclear experiments will be allowed, how should PNE be defined, what is the value of seismic monitoring, and what is the value of sub-kiloton testing? I also have reservations about presenting this package now from the tactical point of view. For example, by tabling this paper, we will be in a position of indicating some "give"—no matter how limited—on the crucial PNE issue. We would be compromising the on-site issue without assurance of Soviet acceptance of the requisite number of seismic stations. An alternative tactic might be to seek resolution with the Soviets of the verification, duration and participation issues, positioning the talks so that only Soviet insistence on PNE blocked agreement. At that point, we might have a better prospect of inducing Soviet acceptance by proposing the face-saving PNE deferral proposal. In any case, this is the kind of question which ought to be discussed at an SCC or an NSC meeting prior to presentation to the Soviets and not handled strictly on paper, since there are both substantive technical and tactical issues that should be addressed.

(S) Finally, I presume that action will be taken to consult with our British colleagues on this matter.

(U) My views on the above are shared by the Joint Chiefs of Staff.<sup>5</sup>

**Harold Brown**

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<sup>4</sup> See footnote 2, Document 166.

<sup>5</sup> In a September 21 memorandum to George Brown outlining their views on the CTB negotiations. Slocombe and Joint Staff Director Vice Admiral Patrick Hannifin discussed the proposed strategy for the CTB negotiations. A typed notation on the memorandum indicates that Smith initialed the Chairman of the Joint Chiefs of Staff's approval on September 21. (Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 TEST BAN (Aug–Dec) 1977)

168. Memorandum of Conversation<sup>1</sup>

Washington, September 23, 1977, 6:40–8:00 p.m.

## SUBJECT

SALT Procedures; MBFR; Rhodesia; Mutual Criticism; CTB

## PARTICIPANTS

## US

Secretary of State  
 Ambassador Paul C. Warnke  
 Ambassador Malcolm Toon  
 Dr. Marshall Shulman  
 Mr. Leslie H. Gelb  
 Mr. William G. Hyland  
 Mr. Walter Slocombe, Dept. of Defense  
 LTG. Edward L. Rowny, Joint Chiefs of Staff  
 Mr. Mark Garrison, EUR/SOV  
 Mr. William D. Krimer, Interpreter

## USSR

Foreign Minister A.A. Gromyko  
 Deputy Foreign Minister G.M. Korniyenko  
 Ambassador A.F. Dobrynin  
 Mr. V.G. Komplektov  
 Mr. N.N. Detinov  
 Mr. A.A. Bessmertnykh  
 Mr. Sytenko  
 Mr. Chernyshev  
 Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to a comprehensive test ban.]

## CTB

The Secretary wanted to touch briefly on one area of our various joint working groups, i.e., the one that concerned the comprehensive test ban. As the President had indicated this morning,<sup>2</sup> this was an area in which he was very much interested and was desirous of early progress. The situation as the Secretary understood it now was that there were three main points of difference between us which had to be

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Gromyko to US, Sept. 1977. Secret. The meeting took place in the Secretary's Conference Room. Drafted by Krimer; and approved by Twaddell. Vance describes the meeting with Gromyko in *Hard Choices*, pp. 60–61.

<sup>2</sup> Earlier that day, Carter told Gromyko that "an area where we should demonstrate to the world at large that we were capable of cooperating was the *complete cessation of nuclear testing*." (Memorandum of Conversation, September 23, 10:30 a.m.–1:30 p.m.; *ibid.*)

overcome: (1) The date on which the proposed treaty would come into force, (2) Various verification problems, and (3) Peaceful nuclear explosions. Regarding the date of entry into force of the treaty, the United States had suggested a treaty of limited duration, which would become effective upon signature. The reason was that once the treaty became effective, even though it had only three signatories—the Soviet Union, the United States and Great Britain—this would put more pressure on the French and hopefully on the Chinese to join and become signatories to the treaty. The Secretary thought that if we waited until other countries signed the treaty, we would be putting off a necessary and desirable action for too long. On the question of verification, the Secretary had received an indication from Mr. Warnke that this was an issue that could be resolved in the working group. He believed progress should be made at the next meeting of the working group. And finally, on the question of peaceful explosions, as the President had indicated, we were prepared to provide to the Soviet Union information which we had gathered in the course of our own investigations of peaceful explosions, should that be considered desirable. Insofar as methods of dealing with peaceful explosions were concerned, it was our view that the best and the proper way to handle them was to include a provision in the treaty banning peaceful explosions, and provide for reconsideration of that issue after a certain date at the request of either party.

Mr. Warnke wanted to say a few words to supplement what the Secretary had said. What we had in mind was to find some way to prevent the dispute over peaceful explosions from holding up conclusion of a treaty that would be of great benefit to both countries. The debate on how to devise measures to prevent a side's gaining military advantages from peaceful explosions involved some very difficult technical matters. Therefore, we would suggest that the parties agree to complete cessation of all nuclear explosions, that a provision to that effect be included in the treaty, in addition to a provision in the treaty stipulating that we would continue to work together to find ways of distinguishing between peaceful nuclear explosions and weapons-related explosions. This would leave open the possibility of peaceful nuclear explosions for the future, except that we would prevent delaying resolution of the much more important matter in a general comprehensive treaty.

Gromyko said that the Soviet Union certainly attached great importance to such a treaty, and will continue negotiations and do all in its power to bring them to a successful conclusion. The Soviet Union did indeed attach signal importance to the question of peaceful nuclear explosions. In the conditions of the Soviet Union they had tested this method to an adequate extent, and had come to certain conclusions about its usefulness. Of course, if they received the information about US experience that had been promised by the President, they would

study it carefully. The Soviet Delegation at the negotiations which resume in Geneva on October 3 will have the necessary and proper instructions. He agreed that conclusion of a treaty would be of great political importance worldwide, but at this time he would not associate himself with what the Secretary had said about a treaty without an exception for peaceful explosions. In any case, he would suggest that we continue negotiating and seek agreement in this field.

Gromyko thanked the Secretary for the discussions they had held during this current meeting, and also for the talk with President Carter. He was not saying good-bye because he and the Secretary had agreed to meet in New York City at least once next week, perhaps even twice, but in any case on September 30 at 9:30 a.m.

The Secretary wanted to reciprocate to the Foreign Minister on behalf of himself and his colleagues. It had been a great pleasure to have Mr. Gromyko here in Washington.

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**169. Memorandum From Secretary of Defense Brown to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, October 1, 1977

SUBJECT

CTB Negotiations

It was reported in paragraph 31 of reporting cable SECTO 10014, dated September 30,<sup>2</sup> that Cy Vance discussed the CTB with Secretary General Waldheim. My understanding is that Cy indicated US willingness to entertain an exception for Soviet PNEs to the CTB. The criteria had to do with a limited number/purpose of projects, and a limited number of explosions.

I want to express my grave concerns about such an approach. Such explosions, even in limited numbers, and particularly if protracted over

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 3-12/77. Secret; Personal Close Hold.

<sup>2</sup> Telegram Secto 10014 from the Secretary's Delegation in New York, September 30, reported that Vance told UN Secretary General Kurt Waldheim that the United States was "not totally inflexible" about the Soviet Union's "demand" that PNEs be excluded from a CTB. (National Archives, RG 59, Central Foreign Policy File, D770357-0177)



a period of years, would allow stockpile confidence testing of a sort which I consider important and which the US would lack. Moreover, I believe they could allow a small number of development tests of substantial yield. Such an exception would therefore make it very difficult to justify a CTB, which I consider otherwise supportable from a Defense point of view. Also, I believe that the arms control community will see this as a gaping loophole, not only for the Soviets but for countries which are lukewarm or hostile toward inhibitions on their own nuclear weapons programs.

The formulation of a PNE arrangement that allows the subject to be reopened after five years, but only through the amendment route, which gives the US full control over whether PNEs are ever allowed, has seemed to me to be an acceptable fallback from a complete PNE ban. It appeals to me as a face saving arrangement for the Soviet PNE project head who chairs the Soviet CTB Delegation. However, the existence of this suggestion to Waldheim (which, since he was accompanied by a number of UN officials, will surely be known to the Soviets) appears to me to make the PNE part of the CTB negotiations very difficult from the US point of view. I would expect support for the fallback position of amendment at the end of five years to be harder to obtain now from the JCS, who are likely to see the Vance suggestion to Waldheim as the likely end-point of such a fallback process.<sup>3</sup>

**Harold Brown**

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<sup>3</sup> Brzezinski later wrote to Harold Brown that “Cy Vance is aware of the problem and has undertaken remedial action, including a phone call to Waldheim correcting his original statement and reaffirming our position that PNEs should be banned under a CTB. The Soviets may still learn of Vance’s original comment, but would have to weigh it against the President’s strong representation that PNEs must be banned, in his meeting with Gromyko and in his UN address.” (Memorandum From Brzezinski to Harold Brown, October 6; Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 TEST BAN (Aug–Dec) 1977)

**170. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>**

Washington, October 5, 1977, 1637Z

239666. White House for Brzezinski and Schlesinger. Subject: Instructions for CTB Delegation.

1. The following Presidential instructions for the trilateral CTB negotiations have been received from the White House.

2. Begin quote. "In the trilateral CTB negotiations that begin on October 3, I want you to continue presenting and seeking Soviet acceptance of our positions on the key substantive issues, and to maintain the momentum towards a resolution of remaining differences among the three participants. In doing so, you should be guided by the following considerations.

3. You should hold firm on our basic position that PNEs should not be permitted, and while hearing the Soviets out on any new ideas they may have, be prepared to explain why the accommodation schemes they have presented are not adequate for eliminating military benefits.

4. As you are aware, in my discussions with Gromyko,<sup>2</sup> I offered to give the Soviets the results of our testing experience which demonstrates the limited technical and economic utility of PNEs. The SCC will promptly develop an appropriate presentation and forward it for your use in the negotiations.

5. If the Soviets propose a formula for including in a PNE ban a provision for continuing review to determine whether PNEs might be permitted in the future, you may indicate that we are prepared to give this serious consideration.

6. You should continue to explore the possible contribution that a network of automated seismic installations in US and Soviet territory could make to CTB verification capabilities, describing relevant technical factors, such as types of instrumentation, site selection, installation and maintenance. However, you may, as appropriate, indicate that we do not insist on a large number of such installations.

7. You should continue to press the Soviets to agree, in advance, to detailed procedures for carrying out on-site inspections, including full delineation of rights and functions of observers, and should outline our bilateral and multilateral approach to on-site inspection arrangements.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840083-0496. Drafted by Keeny (ACDA/D); cleared by Eric Fleischer (S/S-O); and approved by Keeny. Secret; Niact Immediate; Nodis. Sent Immediate to the White House.

<sup>2</sup> See Document 168.

You are also authorized to indicate to the Soviets that we are prepared to consider ways in which differences might be narrowed between mandatory and voluntary on-site inspection provisions.

8. We should maintain the position that the treaty should provide for entry-into-force without the adherence of all nuclear powers, and that parties should have the right subject to suitable notice provisions, to withdraw if, after five years, all nuclear powers have not joined. You may indicate to the Soviets that we are prepared to reduce the duration provision to three years if in your judgment this will elicit commensurate Soviet moves on other outstanding differences." End quote.

Christopher

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**171. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, October 7, 1977, 1920Z

8586. Limdis USCTB. Subject: CTB Negotiations—Assessment of First Week (Oct 3–7). CTB No: 13.

NSC For Dr. Brzezinski.

Summary: Principal development of opening week—during which there were no apparent changes in substantive positions of the three participants—was distinct shift in Soviet perception of US position on PNEs. In the wake of recent high-level meetings with Gromyko,<sup>2</sup> President's UNGA statement,<sup>3</sup> and hard line taken by US CTB

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770367–0343. Secret; Limdis; Immediate. Sent for information to London and Moscow.

<sup>2</sup> See Document 168.

<sup>3</sup> On October 4, Carter told the UN General Assembly that negotiations for a CTB "are now being conducted by the United States, the United Kingdom and the Soviet Union. As in other areas where vital national security interests are engaged, agreements must be verifiable and fair. They must be seen by all parties as serving a longer-term interest that justifies the restraint of the moment. The longer-term interest in this interest is to close one more avenue of nuclear competition and thereby demonstrate to all the world that the major nuclear weapon Powers take seriously our obligations to reduce the threat of nuclear catastrophe. My country believes that the time has come to end all explosions of nuclear devices, no matter what their claimed justification—peaceful or military—and we appreciate the efforts of other nations to reach this same goal." (*Public Papers: Carter, 1977*, pp. 1715–1723)

Del this week, Soviet Delegation now clearly seems to appreciate that our position on PNEs is firm. Although not necessarily related to this development, Morokhov's remarks on PNEs and other issues have been subdued and defensive. US Delegation plans next week to keep up the pressure on the Soviet PNE position, while outlining our views on verification. End summary.

1. In terms of the positions taken by the three Delegations in the plenary meetings and restricted sessions, first week of talks was relatively uneventful. There were no apparent departures in substantive positions, and little evidence of Soviet flexibility on any of three major issues. US and UK Delegations devoted week to elaboration of views on peaceful nuclear explosions (PNEs), while Soviets delivered low-key statements on "political" aspects of PNE questions and verification.

2. Despite routine character of week's meetings, there seems, at least for the moment, to have been a shift in the character and tone of discussions on PNE question. During July round, Morokhov took an aggressive posture from the start, predicting confidently that "new" Soviet proposals for eliminating military benefits would solve PNE issue. There were several indications that Soviets did not believe that negative position taken by US Del in July reflected a firm consensus in Washington. Now, however, Soviets seem clearly to recognize that US position is firm.

3. Chief contributing factor has, of course, been strong line on PNEs taken by the President both in his meeting with Gromyko and his UNGA speech. (Both were cited to us by Soviet Deloff as evidence of firm US position). When US Deloff showed text of President's statement [to] Soviet Deputy Chairman Timberbaev, latter remarked, "I see that President Carter has changed his position." When asked what he meant, Timberbaev said that President's early press conference remarks indicated that PNEs could be accommodated. Half-jokingly, he said ACDA must have gotten to him. Deloff replied that there is no disagreement within USG on PNE questions, and that clear position stated by the President at UNGA reflects strong and unanimous recommendation of all US agencies interested in problem.

4. Aside from President's position, Soviets seem to have been impressed by hard line taken by Amb Warnke in plenary statements and private conversations.<sup>4</sup> Warnke has emphasized in plenary that, in view of inevitability of acquisition of military benefits and serious setback to non-proliferation efforts that would result from PNE exception, PNE ban is indispensable component of effective CTB. Warnke has also expressed the view that it is hard to see how us could possibly be party

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<sup>4</sup> Warnke's statement at the opening plenary is in telegram 8405 from Geneva, October 3; National Archives, RG 59, Central Foreign Policy File, D770360-0447.

to a CTB that allowed PNE. Strong UK statements have effectively reinforced US views. By end of week, Soviet Deloff Malev (Septel)<sup>5</sup> said Soviets were struck by firmness of US position on PNEs.

5. In what may or may not be significant, Marokhov's tone in discussing PNEs during first week was markedly less assertive than during previous round. During July talks, Soviet Chairman often used strong formulations in describing Soviet position on PNEs (e.g., Soviet government does not conceive of a solution that does not allow PNEs). At least during this week, he has been noticeably subdued (e.g., Soviet government sees no reason that PNEs should be banned under a CTB).

6. It is impossible at this stage to tell whether Morokhov's behavior can be attributed in any way to PNE positions taken by US in recent weeks, or whether it reflects any shift in Soviet attitudes. It is conceivable, given high level US-Soviet meetings on eve of present round and possibility that Soviet leadership has taken time to consider results of those meetings, that Soviet DTB Delegation has simply not yet received instructions. Moreover, Marokhov has indicated that he plans to make further statements on PNE question on Oct 11 and 12 plenaries, and he may well return to his earlier, assertive posture. Nonetheless, contrast seems noteworthy, and has particularly intrigued British Delegation.

7. While Delegation will begin next week to outline our thinking on verification (starting on Tuesday<sup>6</sup> plenary with on-site inspections), we plan, on the PNE question, to continue, in coordination with the British, to bear down on the Soviet position and to impress on them the firmness and soundness of our view that a PNE ban is an essential requirement of an effective CTB. We will continue to watch for any evidence (such as possible indication contained in conversation reported Septel) that Soviets may be interested in exploring solutions that would involve banning PNEs from outset while keeping open possibility of permitting them sometime in future. Unless otherwise instructed, we would not, however, advance any such ideas ourselves.

**Warnke**

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<sup>5</sup> Malev's comments are in telegram 8587 from Geneva, October 7. (National Archives, RG 59, Central Foreign Policy File, D770367–0320)

<sup>6</sup> October 11.

**172. Memorandum From the Acting Director of the Arms Control and Disarmament Agency (Keeny) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, October 11, 1977

SUBJECT

ACDA Comments on FY 1978 Underground Test Program

In response to the NSC memorandum of September 29,<sup>2</sup> we have reviewed the proposed FY 1978 underground test program (CRESSET) forwarded by ERDA's September 16 letter to the President.<sup>3</sup>

The ERDA letter and attachments adequately describe the proposed tests and their relationship to particular weapon systems or other objectives. There is a need, however, to clarify the number of tests that the President is being asked to authorize. The proposed program would involve 32 tests (33 devices), but the funding for FY 1978 will provide for executing only about 25 tests.

ACDA can concur in an FY 1978 program of 25 tests, which is roughly the number conducted in FY 1976 and FY 1977. In view of the TTBT obligation to limit the number of underground tests "to a minimum", ACDA would not favor an expansion beyond 25 tests unless there were compelling reasons to do so. I recommend, therefore, that the President's authorization of CRESSET state explicitly that separate approval would be required if it is proposed that more than 25 tests actually be conducted during FY 1978.

In considering which of the 33 devices should be given priority, ACDA believes that in CRESSET emphasis should be given to completing development of warheads which are at an advanced stage of development and which fill a priority requirement. Lower priority should be given to embarking at this time on new lines of development which would require two or three years of testing to complete development. In a few months we should be in a much better position to judge the prospects of concluding a CTBT during FY 1978, and the new lines of development could be examined at that time. This point, inciden-

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-80-0017, Box 63, A-400.112 1977. Secret. Copies were sent to Vance, Harold Brown, Lance, George Brown, and Turner.

<sup>2</sup> Not found.

<sup>3</sup> Not found.

tally, illustrates the value of continuing to review the test program at six-month intervals as ACDA has recommended.

**Spurgeon M. Keeny, Jr.**  
*Acting*

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**173. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of Defense Brown and Secretary of Energy Schlesinger<sup>1</sup>**

Washington, October 20, 1977

SUBJECT

FY 1978 Underground Nuclear Test Program (CRESSET)

The President has approved the underground nuclear test program for the first half of FY 1978 (CRESSET I), consistent with the FY 1978 DOD and DOE budget levels, and subject to the following limitations:

—Approval of the BACKSTAY and KNIGHTHEAD tests is held in abeyance pending DOD submission and interagency review of a study of the military utility and arms control implications of insertable nuclear components.

—Implementation must be in accordance with existing policy regarding testing near the 150 kt limit of the TTBT.

The above approval is conditional upon the outcome of the CTB negotiations; the United States must be prepared to cease testing if agreement on a CTB Treaty is reached.

Specific approval of the test program for the second half of FY 1978 (CRESSET II) should be requested by March 1978. The total number of tests to be conducted during FY 1978 is not to exceed 25.

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 1977. Secret. Copies sent to Vance, Harold Brown, Lance, George Brown, and Turner. Harold Brown wrote in the upper right-hand corner of the memorandum, “10/22 HB.”

**174. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, October 27, 1977, 2048Z

9319. Exdis USCTB. Pass to DOE. Subject: CTB Negotiations: Recommended Strategy.

CTB Message No. 46.

For the President and Secretary of State from Paul Warnke.

1. Summary: I believe strongly that most effective and expeditious way of promoting concrete CTB negotiations on terms favorable to US is to (a) recess current round late next week (Nov. 3 or 4); (b) approach Soviets at high political level as soon as possible after recess to present package proposal designed to maximize pressure for Soviet acceptance of PNE ban; (c) begin a relatively brief round (about two weeks) at end of November or beginning of December to table US package formally and provide further explanation of it; and (d) resume more detailed negotiations in latter half of January. This message outlines reasons for this recommended approach. End summary.

2. After merely repeating previous positions in first weeks of present round, Soviets have recently made substantial effort to create impression that they are willing to compromise on some key CTB issues, particularly on questions of procedures for carrying out on-site inspections and of seismic stations on US and Soviet territory designed and operated to provide authenticated seismic data. They have also said they expect to present new position on question of nuclear weapon state adherence requirement for treaty entry into force. On central issue of Peaceful Nuclear Explosions (PNE), however, they have continued to insist that exception be made for such explosions. On an informal basis, they have mentioned various schemes which they assert should meet our concerns about the military benefits of PNE, such as (a) US access to Soviet PNE designs and devices; (b) joint US-Soviet program for device development and production; and (c) US supply of devices for projects on Soviet territory. (It is not clear whether this last idea includes Soviet supply of devices for US and third countries.) Morokhov, head of Soviet Delegation, recently returned from consultations in

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770395-0558. Secret; Exdis; Immediate. Sent for information to London and Moscow.



Moscow to say he hoped to get positive new instructions on several questions by November 1 or 2 (see Septel).<sup>2</sup>

3. In my view, recent Soviet flexibility on such questions as verification and entry into force can be attributed, at least in part, to tactical judgment that their reasonableness on those matters may help persuade US to accommodate them on PNEs. They may reason that, by prolonging round and making progress on verification and entry into force, they can isolate question of PNEs and maximize pressure on our position. The three ideas they have floated informally for accommodating PNEs (para two, above) seem designed to entice US into a detailed technical exploration of means to exempt PNEs. While superficially attractive in terms of the level of intrusiveness involved, all are seriously deficient on non-proliferation grounds, all are of questionable practicability, and, as far as military benefits are concerned, they are at best capable of dividing those benefits between the USSR and US (ideas two and three) and at worst unable to eliminate unilateral Soviet benefits (first idea).

4. In my judgment, our immediate objective should be to get the Soviet leadership to come to grips with the reality that we are not prepared to pursue PNE accommodation schemes, that reaching agreement with us on a CTB will require a basic change of Soviet thinking on PNEs, and that, once the central issue of PNEs is resolved, it will be possible to find mutually acceptable solutions to remaining problems. In order to promote that objective, I believe we should (a) recess present round at end of next week, (b) soon thereafter (i.e. 7–10 days), make a high level approach to the Soviets, preferably at the Presidential level, to present US proposals on key CTB issues; (c) resume Geneva talks for about two weeks to give us an opportunity to table our substantive package formally and explain it; and (d) resume more detailed negotiations in latter half of January.

5. Substantive elements of an integrated package would be as follows: (a) provided the treaty bans all nuclear explosions, we could accept an obligation to keep under consideration whether PNEs should be carried out in future. The treaty would specify that PNEs could only be carried out pursuant to a treaty amendment, which would require approval by some percentage of treaty parties, including all nuclear weapon state parties. (b) We would call for an agreed number of automated seismic installations, or their functional equivalent, on US and

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<sup>2</sup> Telegram 9321 from Geneva, October 27, reported that Morokhov had told the Delegation that “he had just returned from Moscow and that he expected to receive new instructions about November 1 ‘give or take a day.’ Morokhov said he was certain that his instructions would be of great interest and value to US and UK Delegations and that they would enable him to make important statements on PNE as well as entry into force.” (National Archives, RG 59, Central Foreign Policy File, D770395–0613)

Soviet territory, but without specifying a number at this stage. (c) We could then accept concept of “challenge” on-site inspections under which decision to carry out inspections would be made by mutual consent of requesting party and host party, provided procedures for carrying out such inspections are agreed in advance in legally binding form. (d) We would reiterate our position that the treaty should provide for entry into force without adherence by all nuclear powers. (e) We would also reiterate our position that, after five years have elapsed since entry into force and if all nuclear powers have not joined the treaty, parties would be able to withdraw without invoking the Supreme National Interests withdrawal clause.

6. Following are the principal reasons why I recommend the tactical and substantive approach outlined in paras four and five.

(a) The recommended date for recess will give US five full weeks of negotiations. We have been able to present our case fully, and continuing until the end of next week will enable US to receive and clarify any new positions the Soviets may take as a result of Morokhov's recent consultations in Moscow. Prolonging the round to permit further detailed work on questions such as verification would, in my view, only put off the date when the Soviets will have to face the central PNE issue squarely. Moreover, announcing that parties plan to resume in about a month will ensure that no momentum will be lost and that the public perception of an impasse will not develop.

(b) We believe strongly that the best means of having an impact on the Soviet bureaucracy is to present our proposals in a formal, written way and to do so at a high secret political level. While the Soviets have already tabled a draft treaty, we have not given them any document that can serve as a focus for decision-making. Morokhov has formally requested that we provide such a document. Timerbaev (Soviet Deputy) has stressed to US privately that the best way of getting Soviet leadership to review its position is for US to make a formal proposal, and I believe he is right. As far as making our initial presentation at a high political level, this not only has the obvious advantage of underlining the seriousness of the proposal, but it also guards against any message presented in Geneva being distorted on its way to the Soviet leadership.

(c) We believe the modifications of our position on PNEs and on-site inspection will not damage our negotiating posture, but will in fact strengthen it in certain respects. On PNEs, there is now a degree of vulnerability in our present posture which could be misinterpreted as overly rigid and arbitrary—banning forever a conceivable application of science for peaceful purposes, a technology which the US viewed favorably a decade ago. A US proposal to include, together with an immediate ban, some reference to the possibility of future reconsider-

ation, would therefore seem entirely reasonable and prudent and, given the treaty amendment procedure, the possibility for reconsidering the PNE question would exist whether or not explicitly recognized in the treaty. Moreover, the treaty amendment procedure would give US an effective veto over any future proposal for exempting PNEs. In reality, acceptance of our modified proposal would amount to acceptance of a PNE ban. Far from being a US concession, it would reaffirm and formalize our position and put US on the strongest ground, in case we have to stand and fight on that ground for a sustained period. However, the sooner we can set forth this position, and present it in a formal and concrete way, the easier it should be for Soviet officials to pursue a serious reconsideration of the issue. Although we would not be making a concession from our standpoint, our new proposal could still be portrayed to the Soviets as a good-faith effort to meet their longer-range concerns.

(d) On the question of on-site inspections, it was concluded at the SCC meeting in September<sup>3</sup> that “mandatory” inspections have little utility as a verification measure and, in any event, would create some serious practical difficulties if applied on US territory. Therefore, accepting the concept of “challenge” inspection is something we would wish to do on our own sooner or later. By playing that card now, we would undercut the argument by the Soviet Delegation (to US and to the Soviet leaders) that they have been reasonable on all other issues and now the US must be reasonable on PNEs. It would also show the Soviet leadership that, if they accept our PNE proposal, we are prepared to show flexibility in areas where they have in the past staked out strong positions of principle.

(e) By resuming detailed negotiations in mid-January, it would give US time to develop some of the detailed aspects of our verification position. At present, Delegation’s guidance on verification is mostly of a general character and would have to be fleshed out considerably in preparation for detailed negotiations.

7. We have discussed this approach with the British Delegation, and they strongly support both the tactical and substantive aspects, as well as the timing. British feel particularly strongly about recessing by end of next week and plan to make formal proposal to that effect on Oct 28. They anticipate no significant change in the Soviet PNE position and believe that prolonging the talks now would convey a signal of weakness in our PNE stand and would play Morokhov’s game by his rules.

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<sup>3</sup> The SCC meeting, held on September 27, is available in Carter Library, National Security Council, Institutional Files, Box 89, SCC 032, CTB, Negotiating Issues and Options.

8. As indicated above, Morokhov will probably unveil modified Soviet positions on a number of issues next week. We would, of course, want to take his statement into account as we formulate and implement our approach. Nevertheless, I feel the basic course of action outlined here would be valid for dealing with most eventualities short of the announcement of a Soviet decision to accept a PNE ban. Such an unexpected development could permit prompt initiation of detailed negotiations. The exact nature of the less desirable but more likely new Soviet positions could, however, also affect timing. If, for example, the proposals amounted to substantial movement toward US positions, including that on PNEs, we might wish to demonstrate our interest by resuming soon after Thanksgiving (Nov 28) with only a little more than three weeks break, and begin detailed negotiations as soon as we have a detailed position to present. However, if their ideas are less significant, we could hold off until about December 5 and then meet for only one or two weeks for the limited purpose of tabling our proposal.

9. In order to facilitate the development of a package proposal, should this recommended strategy be approved, the US CTB Delegation will send to Washington separately a draft paper for possible formal presentation in December.

10. At present time, it appears that, subject to unexpected developments, we will recess at end of next week (Nov 3 or 4) and agree to resume in about one month. Decision on whether to agree to early (week of Nov 28) or later (week of December 5) resumption date, or whether to leave indefinite ("in about one month") would be taken after Morokhov statement next week.

11. All US CTB Delegation members concur in this message.

**Warnke**

**175. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, November 1, 1977

**SUBJECT**

Soviet Move on CTB

As you know, Dobrynin called Cy Vance today<sup>2</sup> to tell him that Brezhnev will tomorrow announce that the Soviets are prepared to accept a testing moratorium that would include PNEs in the context of a CTB treaty. The question is what public stance we should take on the Soviet move. Depending on when Brezhnev makes his statement, Cy might address the question at his 11:00 A.M. press conference tomorrow.

It is clear that Brezhnev will be talking about a moratorium on PNEs, which is in itself significant. It is less clear from the little Dobrynin had to say to Cy how this fits with the Soviet position now on the table. The Soviets could still insist that the treaty permit PNEs and say that the inclusion of PNEs in the 18–24 month moratorium (during which all nuclear powers must accede to the treaty for it to go into effect) would be simply to allow further consideration of agreed modalities for PNEs. Or they could say that the question of PNEs would be left open in the treaty with the 18–24 month moratorium used to decide their ultimate disposition. The second of these possibilities obviously goes further toward our own position than the first.

Your last CTB instruction to Paul<sup>3</sup> already includes the possibility of a treaty which would ban all explosions including PNEs, but provide for continuing review of PNEs with the notion that if (someday, somehow) all the problems could be settled, they might then be permitted. You instructed Paul to see if he could elicit a Soviet proposal along those lines. The Soviets were aware of the idea. Brezhnev's statement tomorrow looks like their response.

In any event, as I said earlier, Soviet acceptance of extending a test moratorium to include PNEs, however it might relate to their proposed treaty, would be a significant move on their part. In our public response, we would not want to hail it as a "breakthrough" or greet it with a shout of joy: we have to have time to see how they will play it

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 3–12/77. Secret; Sensitive. Carter initialed the memorandum.

<sup>2</sup> No record of this telephone conversation was found.

<sup>3</sup> See Document 170.

and what strings might be attached; and steadiness in any event is the best stance both in dealing with the Soviets and in terms of domestic reactions. But—this said—we should certainly greet it as a significant step and avoid any suggestion that we are downplaying it. Thus, I think the best line might be to say:

—We regard it as a positive step toward a fully comprehensive test ban;

—It is a helpful evolution in the Soviet position on a key issue in the CTB negotiations;

—We will want to give the Soviet statement full consideration in the context of the proposals and positions that both sides have advanced in the Geneva negotiations.

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**176. Memorandum From the Acting Director of the Arms Control and Disarmament Agency (Keeny) and the Director of the Bureau of Politico-Military Affairs (Gelb) to Secretary of State Vance<sup>1</sup>**

Washington, November 3, 1977

*CTB Developments*

*Summary*

Following up on Brezhnev's 60th Anniversary speech,<sup>2</sup> the Soviet CTB Delegation has presented to our Delegation important proposals which could provide a way out of the CTB impasse. The essence is that the Soviets are now willing to accept a three-year halt in conducting PNEs and are willing to have a three-year treaty banning weapon tests which would enter into force without Chinese and French accession. There are still a number of critical points for us which are unclear or not

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P770197-1650. Secret. Drafted by Alan Niedle (ACDA/MA); and cleared by Edward Ifft (PM/DCA), Cowey, Avis Bohlen (EUR/SOV), Wreathem Gathright (S/P), Shulman, and Louis Kahan (PM). A stamped notation on the bottom of the first page of the memorandum reads "CV."

<sup>2</sup> On November 2, Brezhnev announced that he wanted a treaty that banned "nuclear weapons tests, so that no such tests will be conducted underground, as well as in the atmosphere, in outer space and under water," including a "moratorium on nuclear explosions for peaceful purposes, along with a ban on all tests of nuclear weapons for a definite period." ("Address by President Brezhnev Before the Central Committee of the CPSU: Halting the Production and Testing of Nuclear Weapons [Extract]," November 2, 1977, *Documents on Disarmament*, 1977, pp. 679-680. Emphasis in the original.)

satisfactory but our initial impression is that we might be able to use Brezhnev's proposed framework—a treaty and a protocol on PNEs—as the basis for future negotiations.

*The Soviet Proposal*

The Soviet CTB Delegation said in Geneva that the Soviets could accept a three-year treaty banning nuclear weapon tests which would enter into force without France and China. A PNE moratorium in the form of a treaty protocol would take effect simultaneously and for the same length of time. The treaty (but presumably not the moratorium) would become of unlimited duration if France and China acceded within three years. There could be provision for review before expiration or every five years if the treaty became of unlimited duration. The Soviet proposal stipulated that, after entry into force of the treaty, negotiations would continue for the purpose of reaching a mutually acceptable solution on PNEs and procedures for their conduct.

On verification, the Soviets rejected US proposals for automated seismic installations but agreed to consider increasing the number of national stations to be included in a global seismic network and expressed willingness to consider measures to guarantee the authenticity of the data from such a network. They repeated their proposal for on-site inspections on a voluntary basis, but added that rights and functions of inspecting personnel could be agreed in advance.

*Significance of the Soviet Move*

The Soviet move is a major step towards our position. Seen in the context of other recent steps, such as the substantial progress on SALT during Gromyko's visit<sup>3</sup> and certain other gestures outside the arms control field, it suggests that the Soviets may want to achieve trilateral agreement on a CTB in time for a Summit.

—In agreeing to give up PNEs for three years, the Soviets are in effect conceding that PNEs are not all that vital to them for that period. (Perhaps this means that they have no major PNE projects slated for the next three or four years.) This provides an opening for seeking a satisfactory long-term solution of the problem.

—Dropping the requirement for French and Chinese adherence was an essential step in order to bring any treaty into sight.

—While Soviet verification ideas are not surprising, the willingness to work out agreed inspection procedures in advance is a step in the right direction. We will give urgent study to the Soviet suggestion

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<sup>3</sup> See *Foreign Relations*, 1969–1976, vol. XXXIII, SALT II, 1972–1980, Documents 182, 183, and 184.

that authenticated data from national seismic stations be used in lieu of automated seismic installations.

### *Initial Reactions*

It seems to us that we should be able to accept the basic framework of the Soviet proposal, that is, a treaty and a protocol. But we would want to press for certain important elements which either now look unclear or unsatisfactory in the initial Soviet presentation.

—Treaty duration and withdrawal now seem the central problems separating us. The treaty should not automatically collapse if France and China do not accede in three years since no one can realistically expect them to do so. Nor should the moratorium on PNEs automatically terminate if the problem of preventing military benefits from PNEs is not solved since it probably won't be. We will therefore want to try to find some way, consistent with our present position, to have both the treaty and the protocol continue past the initial period unless a party takes some special step of withdrawal. Unfortunately, on this point, the Soviet Delegation seemed to envision just a straight termination of the treaty and the protocol if the various conditions haven't been met. The Delegation did not have the impression that the Soviets had fully thought through all the ramifications.

—Tying the treaty and the protocol together. Obviously it would not be acceptable for countries to be able to sign the treaty banning weapon tests but not accept the protocol banning explosions for alleged peaceful purposes. The protocol would therefore have to be regarded as an essential and integral part of the treaty. This would also mean that the protocol banning PNEs should be amendable only in the same way the treaty could be amended—with the consent of all the participating nuclear powers. The Delegation immediately raised these questions informally with the Soviets and the initial response indicated possible flexibility.

### *Future Work*

There will be a break in the talks beginning this Friday,<sup>4</sup> and a resumption on December 5. This should give us ample time to figure out the best strategy and to prepare ourselves for detailed negotiations in December. The Delegation will shortly be sending its analysis and recommendations.

One thing seems fairly certain. It will be very much in our interest to have concrete proposals and texts to provide the Soviets for the next round. If we can accept Brezhnev's proposed framework of a treaty and protocol on PNEs, we should be in a strong position to press the Soviets

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<sup>4</sup> November 4.



to modify some aspects of their approach—especially on duration of the treaty and the PNE moratorium—to bring them more closely into line with our objectives.

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**177. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, November 8, 1977

On Friday, November 4th, we held our last trilateral meeting on the Comprehensive Test Ban Treaty until December 5.<sup>2</sup> Before leaving Geneva that day, I also had an opportunity to meet with Minister Semenov to discuss the status of our SALT talks.

In both negotiations, the Soviet Delegations have made significant moves to accommodate our views. Most dramatic, of course, was the presentation of a substantially revised Soviet position on the banning of nuclear tests. But on SALT, also, new provisions tabled by the Soviet Delegation come closer to our ideas on the definition of heavy bombers, including those which could be equipped with long-range cruise missiles, and on the testing of cruise missiles.

The breakthrough in the Comprehensive Test Ban talks began with the announcement by Dr. Morokhov, head of the Soviet Delegation, that he was returning to Moscow over the week-end of October 21 to 24. He had previously suggested some movement on the issue of entry into force of the treaty without adherence of France and China. On his return, on October 26, he said he had new positions to present on all subjects, including that of peaceful nuclear explosions. He explained, however, that this would have to await a speech by Mr. Brezhnev.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Agency File, Box 1, Arms Control and Disarmament Agency: 1-7/77. Secret. In the upper right-hand corner, Carter wrote "Good. J." On November 9, Ambassador Toon informed Vance of a meeting that he had had that day with Brezhnev, who "wanted to call special attention to his Nov. 2 statement of readiness to reach agreement on CTB including a moratorium on PNE's. Speaking directly, Brezhnev said "it was not easy for us to take such a decision, as it directly affects our national economic plan, and we expect that the U.S. and the U.K. as participants in the talks which are underway will in the end respond with appropriate reciprocity' so as to achieve agreement on this major issue." (Telegram 16276 from Moscow, November 9; National Archives, RG 59, Central Foreign Policy File, P840076-0378, N770007-0385)

<sup>2</sup> Warnke's detailed analysis of this session is contained in telegram 9792 from the Mission in Geneva, November 4; National Archives, RG 59, Central Foreign Policy File, D770407-0198.

On the morning of the Brezhnev speech, November 2, the Soviets presented a statement at our plenary meeting in which they offered a PNE moratorium as a Protocol to the treaty.<sup>3</sup> The Soviet statement also agreed to entry of the treaty into force prior to the adherence of the other nuclear weapons states. On verification, though continuing to oppose the automated seismic installations and any mandatory on-site inspections, they agreed in principle to pre-arranged procedures for on-site inspections and to some additional national seismic installations with provisions which would assure the validity of the data.

The major remaining problem on CTB is the Soviet insistence that the parties to the treaty "should be relieved of their obligations" if all nuclear weapons states have not agreed to the treaty by the end of three years. This is unsatisfactory both from the standpoint of the stability of a test ban and because of the likely reactions of the French and Chinese to what they would regard as undue pressure.

I hope that we can put together an American package responsive to the Soviet proposals, but remedying the defects, to be tabled when our meetings resume on December 5.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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<sup>3</sup> The November 2 offer from the Soviets is in telegram 9612 from Geneva, November 2; National Archives, RG 59, Central Foreign Policy File, D770403-0404.

**178. Memorandum from the Chairman of the Joint Chiefs of Staff (Brown) to Secretary of Defense Brown<sup>1</sup>**

Washington, November 30, 1977

Subject

Comprehensive Test Ban (U)

1. (S/RD) In view of the importance of comprehensive test ban (CTB) issues to all aspects of the nation's nuclear weapons posture, the Joint Chiefs of Staff believe that greater attention should be given to key CTB issues within the Department of Defense. Development of a sound US CTB position will depend to a large extent upon the DOD's presenting, in the intragovernmental arena, well-conceived positions on national security and related technical issues. A number of important questions remain to be resolved before a coherent DOD position can be presented. Some of these are:

- a. What is the national intent with regard to maintenance of the nuclear weapons stockpile under a CTB?
- b. What low-yield experiments are advisable under a CTB in order to assure confidence in the stockpile and maintain design expertise in the laboratories?
- c. How should this "permitted experiment" issue be addressed at intragovernmental and international levels?
- d. How is long-term stockpile reliability achieved under a CTB? (For example, should a small number of standardized warhead designs be settled upon? Should these designs be modernized? What rebuilding rate is necessary? What are the cost and technological penalties of standardizing materials and processes so as to avoid future change?)
- e. Would an extended transition period (several years) at a reduced underground test threshold be valuable for redesigning the US stockpile for maintenance under a CTB?
- f. To what degree can new delivery systems and conceptual weapon systems be adapted to existing nuclear warhead designs without weapons testing?
- g. What measures constitute adequate verification?
- h. What are the required CTB safeguards, and what added costs should be budgeted for them and programmed now?

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 50, TS C.T.B. Secret; Restricted Data. A stamped notation in the upper right-hand corner reads "30 NOV 1977 SEC DEF HAS SEEN." Underneath the stamp, Harold Brown wrote "11/30 David McG Walt S,—we should take appropriate action to the extent possible during the next few days. I agree with the overall ideas, differ on the details. HB." The annexes are not attached.

i. What urgent efforts are necessary (while testing is still permitted) for an effective transition into a CTB?

2. (S) The Joint Chiefs of Staff recommend that three specific actions be taken now to accelerate development of a comprehensive DOD position on these and other important CTB issues, to achieve better DOD-Department of Energy (DOE) cooperation, and to promote discussion of these matters at intragovernmental levels:

a. First, and most urgently, the Joint Chiefs of Staff believe the issue of "permitted experiments under a CTB" must be raised at the national level prior to the departure of the US Negotiating Team for the 5 December plenary session in Geneva. Their concern here is to assure that US negotiators understand—prior to presenting papers or discussing the issues with the Soviets—that a CTB should provide for some low-yield nuclear experiments which, among other factors, can assist in assuring confidence in the stockpile. This is likely to be a controversial issue within the US Government, but it is believed that it is critical to national security. Full addressal is already late, but the United States should not compound the problem by opening new and more detailed discussions with the Soviets until a generalized national position on this matter has been given [to] the negotiators. Annex A contains a proposed memorandum to the Assistant to the President for National Security Affairs raising this issue.

b. Second, the Joint Chiefs of Staff recommend that you establish a temporary CTB Task Force within the DOD. In their judgment, the issues are of such breadth and complexity that they cannot be handled adequately without a dedicated organizational structure. Since the issues are largely technical and the work focuses on R&D and acquisition—not just of nuclear weapons, but of delivery systems as well—they suggest that a representative of the Under Secretary of Defense for Research and Engineering chair this effort. Other key members of the Task Force should be from OASD(ISA), OATS(DAE), OJCS, DIA, DNA, and the Military Departments. Since the DOE is directly involved in many of the issues, the Joint Chiefs of Staff recommend that DOE be invited to participate in Task Force work. Annex B contains a proposed memorandum establishing this CTB Task Force.

c. Third, a fully effective working relationship with DOE should be achieved for continuing, in-depth communication on the issues summarized in paragraph 1 above. DOE has principal responsibility for many of these issues, and close DOD-DOE cooperation is essential to effective solution of CTB problems already identified and likely to arise in the future. The Joint Chiefs of Staff recommend that you take the initiative by sending the proposed memorandum in Annex C to the Secretary of Energy raising the issue. The memorandum also invites his participation in the DOD CTB Task Force.

3. (U) In summary, the Joint Chiefs of Staff believe that the national security and technical aspects of a CTB are of such importance as to require significantly increased attention within the DOD and closer DOD-DOE cooperation. Moreover, they should be addressed as an ur-

gent matter in the Special Coordination Committee prior to resumption of substantive negotiations.

For the Joint Chiefs of Staff:

**George S. Brown**

*Chairman*

*Joint Chiefs of Staff*

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**179. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, December 3, 1977

SUBJECT

CTB On-Site Inspection

I have read Paul Warnke's memorandum<sup>2</sup> concerning on-site inspection which he cabled in from abroad today in response to the conclusions reached at the SCC meeting on Friday.<sup>3</sup> After further reflection I have come to the conclusion that Paul's position is correct. As I understand the technical aspects of the problem as explained by the experts, on-site verification is essentially cosmetic and, as Paul says, "without significant practical value". Further, his point that if we introduce a mandatory on-site inspection proposal and subsequently fall off that proposal it would be characterized as a major retreat on our part is well taken. In addition, the British are taking the same position as that recommended by Paul, and our taking a mandatory on-site verification position would require us to split with our British colleagues. In light of what I have said above I believe we should stick with our British colleagues.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 3–12/77. Secret. In the upper-right hand corner of the memorandum, Carter wrote "Cy—I agree. J." To the right of the subject line, Brzezinski wrote "resolved Dec. 5th. ZB."

<sup>2</sup> Not found.

<sup>3</sup> An undated memorandum attached to the List of Participants for the December 2 SCC Meeting on CTB reads "No summary of conclusions were made for this meeting. But new instructions were sent to P. Warnke for the conduct of the negotiations." (Carter Library, National Security Council, Institutional Files, Box 90, SCC 043, CTB Negotiating Options and Issues, 12/2/77) No minutes for the meeting have been found. The new instructions for Warnke are in Document 181.

Attachment:  
Memorandum from Paul Warnke.<sup>4</sup>

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<sup>4</sup> Not attached.

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**180. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, December 4, 1977

SUBJECT

Instructions for CTB Negotiations

The CTB negotiations will resume on Monday, December 5, in Geneva for about two weeks, followed by a holiday recess until mid-January. The SCC has completed an analysis of Brezhnev's recent proposal along with a Working Paper<sup>2</sup> on the key elements of a CTB Treaty which we would plan to hand to the Soviets during the December session.

The SCC met<sup>3</sup> on Friday<sup>4</sup> to discuss the key issues in these negotiations. Agreement was reached on a recommended position on duration, PNEs, and internal seismic stations, but ACDA reserved its position on on-site inspection (OSI). To attempt to bridge the gap between our mandatory and the Soviet voluntary OSI positions, the Working Group had recommended that we propose a "challenge" OSI formulation that would require some justification for any decision to refuse an OSI request. I pointed out that in my view there would be little value in such a provision (it is really not a "challenge inspection" but just a right to receive an explanation) and suggested that we insist that in addition

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 3-12/77. Secret. Sent for action. In the upper-right hand corner, Carter wrote "Zbig I agree with Paul/Cy—Keep black boxes & 'right to challenge' strong. J."

<sup>2</sup> Telegram 290032 to the Mission in Geneva, December 5, contains the elements of the Working Paper. (National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Standing Consultative Commission and Comprehensive Test Ban Files, Accession #383-98-0146, Box 1, CTB Working Papers on Permitted Experiments Under Test Ban, December 1977)

<sup>3</sup> See footnote 2, Document 179.

<sup>4</sup> December 2.

to justification for any refusal of OSI requests each party would be entitled to a small annual quota of mandatory inspections if it found such justification unsatisfactory.

ACDA (Spurgeon Keeny) opposed this approach, arguing that the Soviets would reject it and consider it a very negative step in the negotiations; however Harold Brown, Cy Vance, Frank Press, Jim Schlesinger, Stan Turner, and the JCS (Dave Jones) all endorsed this approach as a useful means of enhancing confidence in the treaty. Subsequently, Paul Warnke has sent you a strongly worded dissent by cable from Geneva, which Cy Vance has endorsed (Tab B).<sup>5</sup> Paul argues that a mandatory quota of OSIs would be of little practical value; that the Soviets would strongly oppose it and harden their position on other negotiating issues, and that it could be a “political booby trap” in that it could increase the domestic costs of eventually moving to challenge inspection in order to achieve a CTB agreement with the Soviets.

While I do not rule out challenge inspection as an eventual acceptable outcome, I do not agree with Paul’s arguments. If a mandatory inspection quota really made no sense, then what would be the sense of “the right to challenge” or “producing a carefully constructed on-site inspection provision” . . . but one which the Soviets can completely refuse us the right to conduct? On the contrary, I believe there would be considerable value in a small annual quota of mandatory inspections; certainly fewer than might be needed, but enough to build confidence in the treaty and reassure likely Senate critics. Coupled to an obligation to provide adequate explanation, such a quota would help resolve uncertainties and give us higher verifiability.

As Paul notes, the Soviet negotiators will probably strongly resist a mandatory quota; however, its negotiability may be enhanced by our two track approach—e.g., the bilateral agreement would have the mandatory quota but the multilateral treaty would only require challenge OSI. Further, President Kennedy got Krushchev at one point to agree to a quota of two or three mandatory OSIs (and black boxes) per year,<sup>6</sup> and it is by no means certain that you could not achieve a similar outcome. With regard to Paul’s argument that this could increase the domestic cost of eventually settling for challenge inspection, the Senate is well aware that we have insisted on mandatory OSI as a prerequisite for a CTB for over two decades and to abandon it at this stage without having made a determined effort at the political level could have even greater costs.

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<sup>5</sup> Not attached.

<sup>6</sup> Kennedy and Khrushchev discussed the issue of inspections at the 1961 Vienna Summit. See *Foreign Relations, 1961–1963*, vol. VII, Arms Control and Disarmament, Document 31.

As a final point, Cy Vance has noted that the UK might insist on going with challenge inspection; however, in our consultations with them, the British have indicated that they do not have a firm position on verification and will follow our lead on these issues. Consequently, I recommend that you authorize us to propose a small annual quota of mandatory inspections in addition to the obligation for explanation of any refusals. I have in mind that the quota might be perhaps two or three per year, but we will have the Working Group take a quick look at this to ensure that it is consistent with our needs.

As you know, Defense was anxious that tabling the Working Paper might prejudice our position on the sorts of experiments that could be conducted under a CTB, or the detailed nature of verification provisions we would need on on-site inspection and internal seismic stations. These issues are currently undergoing intensive interagency study and we will not be ready to discuss them in detail until January. However, the Working Paper was carefully drafted to avoid prejudicing these issues, and in the SCC discussion we agreed to some modifications which will further protect us on these issues, including an explicit caveat to this effect in your instructions to Paul Warnke. Harold would still prefer on balance to withhold the portions of the paper dealing with prohibitions on weapons tests or PNEs, pending further SCC review, but can accept tabling of the entire document subject to the agreed modifications and caveat in your instructions.

Following is a brief discussion of the other key issues, together with the SCC agreed recommendations:

*PNEs.* The Soviets have proposed that their three-year moratorium on PNEs be incorporated in a Protocol to the CTB treaty which would call for continuing negotiations on how to permit PNEs in the future. We would agree to having a Protocol on PNEs, providing that it is integrally linked to the treaty and would remain in force concurrently with the treaty. Rather than agree to continue negotiations on how to permit PNEs, we would simply offer to keep them under consideration and would insist that any subsequent agreement on PNEs would require an amendment of the treaty with our agreement.

*Duration.* Consistent with previous instructions, Paul Warnke would be authorized to indicate, while maintaining our position that the treaty should continue in force indefinitely without French or Chinese adherence, that each party should have the right to withdraw from the treaty with one year's advance notice if it determined that continued testing by a non-party affected its security.

*Internal Seismic Stations.* The Soviets continue to object to our concept of "black boxes," but have indicated that they would be willing to consider joint design of "national stations" in order to assure adequate authentication of seismic data. From a verification standpoint, it is un-



important to us whether these stations are automated, manned by Soviet nationals, or jointly manned, provided that our requirement for timely transmission of authenticated seismic data can be met. Consequently, we would indicate flexibility of labeling of the stations, which could result in Soviet willingness to agree to use of our equipment and consideration of a larger number of stations for this purpose than would otherwise be the case.

We have prepared a cable to Paul (Tab A)<sup>7</sup> for your approval which is consistent with the above recommendations and would instruct the Delegation to table the modified Working Paper at Tab C.<sup>8</sup> In my view, the tabling of this document with our movement towards the Soviet position on the PNE protocol, seismic stations and duration, even with the tough OSI position, constitutes a forthcoming response to the Soviet proposal, which maintains our essential requirements on duration and verification, and should facilitate the process of beginning negotiation of treaty language in January.

*RECOMMENDATION*

That you approve the position taken by NSC, OSTP, Defense, Energy and CIA by authorizing the cable to Paul Warnke at Tab A. \_\_\_\_\_

No, revise in the light of the State/ACDA position. \_\_\_\_\_<sup>9</sup>

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<sup>7</sup> Not attached.

<sup>8</sup> Not attached.

<sup>9</sup> Carter did not indicate a preference with respect to the recommendation.

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**181. Telegram From the Department of State to the Mission in Geneva<sup>1</sup>**

Washington, December 5, 1977, 2340Z

290031. Del by OOB 12/6 Bern pass to Amb. Warnke. Subject: Instructions for CTB Negotiation.

1. The following White House CTB instructions have been received from Dr. Brzezinski for Amb. Warnke.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P940083–0507. Secret; Immediate; Nodis. Sent for information Immediate to Bern. Drafted by Keeny; cleared by Sydney Goldsmith (S/S–O); and approved by Keeny.

2. Begin quote. "When the trilateral CTB negotiations resume on December 5, the President wants you to respond to the recent Soviet initiative in a way that is responsive to the positive aspects of the Soviet proposals while maintaining the essential elements of our position on key issues. In doing so, you should be guided by the following considerations.

3. You should maintain our existing position in favor of a stable and durable treaty that could continue indefinitely without French and Chinese adherence. You should propose that each party should have the right, however, after a period of three years, to withdraw from the treaty, giving one year's advance notice, if it determined that continued testing by a nonparty affected its security.

4. You are authorized to accept the Soviet suggestion of a protocol banning PNEs provided that the protocol would be an integral part of the treaty and would therefore remain in force for all parties concurrently with the treaty banning nuclear weapon test explosions. You may also indicate that we could accept a commitment in the protocol to keep under consideration whether arrangements should be made in the future for carrying out PNEs, provided that an amendment to the treaty with our consent would be required for establishing such arrangements.

5. In continuing discussion of on-site inspections, you should maintain the previous position. You are also authorized to indicate to the Soviets that we are prepared to consider ways in which differences might be narrowed between mandatory and voluntary on-site inspection provisions, while maintaining on the table our present position. You might encourage the Soviets to propose as a compromise the small annual quota idea by referring at some point to Khrushchev's 1962–1963 proposal.<sup>2</sup>

6. You should outline our approach to obtaining authenticated seismic data from internal seismic stations with agreed characteristics and indicate that we would be prepared to accept various modes of operation—manned or unmanned, joint or national—provided that our technical requirements are met for obtaining timely, useful, and authenticated seismic data.

7. Consistent with these considerations, you should table the modified working paper which will be sent to you by separate cable to present US views on the key substantive elements of a CTB treaty and protocol.<sup>3</sup> In discussion of the working paper, you should indicate that the terminology used to describe the substantive elements dealing with

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<sup>2</sup> See footnote 6, Document 180.

<sup>3</sup> See footnote 2, Document 180.

prohibition of nuclear weapons tests and nuclear explosions intended for peaceful purposes may require mutually acceptable understanding regarding distinctions between prohibited explosions and permitted nuclear experiments.” End quote.

Vance

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**182. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, December 29, 1977

Subject

December Round of Trilateral Comprehensive Test Ban (CTB) Negotiations

During the recent round of trilateral talks, held in Geneva from December 5 to 20, the principal development was our formal tabling of a U.S. Working Paper<sup>2</sup> outlining our views on the key substantive elements of a multilateral treaty banning nuclear weapons tests and of an integrally related protocol dealing with peaceful nuclear explosions. Much of the session was devoted to answering detailed Soviet questions regarding our Working Paper and, in the process, we got a fairly good picture of Soviet thinking on the main issues. Highlights are summarized below.

*On-Site Inspections (OSI).* As instructed,<sup>3</sup> our Delegation did not put forth a specific proposal on OSI. Instead, we continued to express our interest in narrowing the differences between the traditional positions of the participants and extensively explored Soviet receptivity to the idea, discussed during the 1958–1962 CTB negotiations, of an annual quota of mandatory inspections.

The Soviets stated categorically and repeatedly that they were not prepared to consider any form of mandatory OSI, including a quota. They said that a U.S. proposal for mandatory OSI would be rejected and would be regarded as an attempt to complicate the negotiations at a time when the USSR had made several important concessions in

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Agency File, Box 1, Arms Control and Disarmament Agency: 8/77–2/78. Secret. In the upper-right hand corner of the memorandum, Carter wrote “good report. J.”

<sup>2</sup> See footnote 2, Document 180.

<sup>3</sup> See Document 181.

order to make agreement possible. They maintained that the Soviet side had already demonstrated its willingness to find compromises that bridged traditional positions on OSI, citing their acceptance of the Swedish-developed concept of “challenge” inspections and their recent willingness to work out in advance the detailed rights and functions of inspection teams, rather than leave them to *ad hoc* decisions by the host party.

However, while rejecting the concept of mandatory OSI, the Soviets agreed with the principle that requests for OSIs should not be dealt with in an arbitrary manner and they unquestionably understood our emphatic assertion that the treaty would be placed in jeopardy if this principle were not observed. The Soviets have indicated that, if we do not find their prior proposals adequate, it is up to us to give them a specific alternative when the negotiations resume in January.

*Duration.* We stressed our opposition to the Soviet proposal for a treaty that would terminate automatically if China and France have not joined within three years, and proposed instead the right of any party to withdraw on one year’s notice if, after three years, continued testing by a non-party affected its security.

The Soviets admitted to us informally that they recognize that their idea of a “guillotine clause” will have to be abandoned, and they indicated they would be considering alternatives enabling the treaty to be extended even without participation by all nuclear powers. However, they expressed serious concern with our “right of withdrawal” formula. They argued that, of the three nuclear powers that would join from the start, the USSR would feel the greatest pressure to withdraw because of Chinese and French testing, but that, if they actually decided to invoke their right to do so, they would be subject to heavy criticism for contributing to the breakdown of the treaty regime. Because of this concern, they favored the concept that all the nuclear powers should be released from their obligations simultaneously. I believe it will eventually be possible to work out an acceptable compromise that promotes our basic objectives (e.g., a formulation providing that, after a specified period, treaty parties would determine, perhaps at a Review Conference, whether the treaty would continue for another specified period).

*Peaceful Nuclear Explosions.* While accepting the Soviet idea of a protocol on PNEs and agreeing that the possibility of carrying out PNEs in the future should be kept “under consideration”, we took a strong position that the ban on PNEs must remain in force as long as the weapons test ban remains in force, unless of course the PNE ban is replaced earlier by arrangements for conducting PNEs that the U.S. can support.

The Soviets asserted that they continue to have a strong interest in carrying out PNEs in the future and that means can be found for elimi-

nating any military benefits. They maintained that our proposal on duration of the PNE ban is unsatisfactory, since it would provide no incentive to reach agreement on arrangements for conducting PNEs. Instead, they called for a definite time limit (three years) for negotiating such arrangements, after which the moratorium on PNEs would expire—presumably whether or not those arrangements had been concluded and whether or not the treaty on weapon tests continued.

We, of course, emphasized that it would be unthinkable for us to leave PNEs unconstrained while the weapons test ban continued. Soviet Delegation members appreciate why their proposal would not be acceptable to us, but have not hinted at any means of solving this problem and have instead pointed out that the PNE issue continues to involve substantial bureaucratic stakes in Moscow, thus making it difficult for them to alter their position very soon.

*Internal Seismic Stations.* Although our detailed proposals will not be ready until January, we outlined our general thinking on the design of the stations and indicated that, as long as agreement can be reached on the technical requirements for ensuring the receipt of timely and authenticated seismic data, we would not object to Soviet manning of stations in the USSR.

The Soviet response was somewhat ambiguous. The technical members of their Delegation seemed receptive to our concept and particularly interested in receiving sophisticated U.S. equipment for the stations. At the higher, political level, however, a more cautious position was taken. They seemed particularly sensitive to any appearance of the internal stations making inroads on Soviet sovereignty, and expressed concern about whether the U.S. concept permits sufficient Soviet national responsibility and control over the stations on their territory.

We cannot expect a definitive Soviet reaction until we have presented our ideas in detail next round. However, in light of the important political and ideological implications of “authenticated” internal stations for the Soviet leadership, I would be very surprised if achieving Soviet acceptance of an effective arrangement did not require a prolonged and difficult negotiation.

*General Comments.* Although the Soviet negotiators repeatedly expressed appreciation of our Working Paper and the detailed explanations given them, there was no new movement on their part on the issues of PNEs, treaty duration, and internal seismic stations. Indeed, some slight hardening of position could be discerned. It should be remembered that, in putting forth on November 2 the revised Soviet positions on a PNE moratorium and entry into force, Morokhov stressed that the Soviet leadership expected some reciprocal movement on our

part to accommodate their position on verification. This expectation was emphasized often during the recently completed round.

I believe, therefore, that the Soviet Delegation was disappointed and a bit put off by our failure to propose a specific provision bridging the gap between our past insistence on mandatory on-site inspections and their concept of voluntary on-site inspections. I think we can expect little further progress on the other issues until we deal constructively with this issue.

Consequently, if we are to maintain the current momentum toward agreement, the most urgent requirement in our preparations for the round scheduled to begin on January 18 is to adopt a position on how on-site inspections will be initiated. I will shortly be sending you a memorandum recommending an approach to the OSI issue. In addition, I believe it is important that we be prepared when the talks resume to present detailed proposals on the contents of the separate verification agreement we would conclude with the Soviets to supplement the multilateral CTB treaty.

Paul C. Warnke

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**183. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, January 13, 1978

SUBJECT

Report for the Soviets on U.S. PNE Experience

As you know, when Gromyko came here in September, the President told him that we would provide the Soviet Government with an account of U.S. experience regarding the economic utility of peaceful nuclear explosions (PNEs).<sup>2</sup>

Immediately thereafter, we began in Washington to prepare such a report. In Geneva, Gerry Johnson, who ran our PNE program for sev-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Agency File, Box 1, Arms Control and Disarmament Agency: 8/77-2/78. Confidential.

<sup>2</sup> See Document 168.

eral years and is now my deputy on the CTB Delegation, gave Morokhov an oral rundown of our PNE experience.

With the Brezhnev initiative of November 2,<sup>3</sup> we decided to hold off on delivery of our paper while waiting for a clearer picture of the implications of the new Soviet PNE moratorium proposal. Subsequently, Morokhov has taken the view that the Soviet Government continues to see great importance in PNEs. I therefore believe we should now send a copy of our report to Gromyko. In addition to getting our views on the very limited economic value of PNEs to the Soviet leadership, it would demonstrate our willingness to engage them in a continuing and serious dialogue on the PNE issue.

With your concurrence, I will give Dobrynin a copy of the attached package, which contains our PNE report and a cover note from Cy Vance to Gromyko.<sup>4</sup> DOE, DOD, JCS, and State concur in forwarding the report. The cover note has been worked out with State.

**Paul C. Warnke**

### **Attachment**

#### **Paper Prepared in the Arms Control and Disarmament Agency<sup>5</sup>**

Washington, undated

#### **Summary: US Perspectives on Peaceful Nuclear Explosions**

The US opposition to permitting PNEs under a CTB reflects our conclusion that the potential economic benefits of PNEs are not sufficient to override serious verification and non-proliferation problems that would be associated with their use. Our PNE verification and non-proliferation concerns have been made clear in the CTB negotiations; this paper presents a review of the economic utility of PNEs based on experience gained in the US PNE program.

PNE applications were studied by the US over a period of twenty years, and in selected areas field tests were conducted using nuclear explosives. US industry was directly involved, and was relied upon to identify promising applications of PNEs. The ultimate determination of the economic value of PNEs was made largely by industry. PNEs were

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<sup>3</sup> See footnote 2, Document 176.

<sup>4</sup> The cover note from Vance is not attached.

<sup>5</sup> No classification marking.

investigated for use in excavation, natural gas stimulation, shale oil recovery, copper mining, and underground storage cavities. Field testing using nuclear explosives was conducted for the excavation and natural gas stimulation applications.

Each of these potential areas of application involved its own difficult technical problems as well as the general problems associated with any PNEs (such as safety, environmental impact, treaty obligations, and public acceptance). One of the most publicized PNE applications, earth excavation, was found to present the most serious difficulties. A sea-level canal to supplement the Panama Canal was long regarded as a promising application for PNEs, but a massive study of alternative approaches concluded for technical, economic, and political reasons that a route using conventional explosives was preferable. In addition, PNE excavation would be difficult or impossible to carry out in compliance with the LTBT.

Even for deep underground applications where radioactivity can in general be contained, technical and societal problems remain. Moreover, the anticipated costs would largely eliminate any economic advantage of PNEs. Continuing development of alternative methods generally do not involve the great uncertainties or potential legal problems of PNEs.

The scale of the efforts in some projected PNE applications would have presented unique security problems. Natural gas stimulation, for example, could have involved an effort of perhaps 1,000 PNEs annually to achieve a 5 per cent increase in US natural gas production. Significant problems could arise in handling and security of PNE devices in such numbers in the US. These problems would be compounded—and there would be cause for serious concern about terrorist actions—if other countries sought PNE services on even a fraction of this scale.

The US PNE program was undertaken to assess technical feasibility and economic utility of eventual commercial use of nuclear explosives by US industry. As costs and problems associated with the experimental program increased, industry reassessed the total costs involved in projected commercial applications. Ultimately, it became evident that even if PNE technology promised some possible economic advantages over competing technologies, these advantages could well be lost when the costs of other factors were taken into account. In these circumstances, there was little incentive for participating contractors to continue to pursue PNE technology, and their decision to withdraw from the PNE program was, ultimately, an economic decision—in the broad sense of the term.



**184. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, January 13, 1978

**SUBJECT**

On-Site Inspections (OSIs) Under a Comprehensive Test Ban

I believe that our exploration of the OSI issue with the Soviets has already gone as far as it productively can and that, if we are to avoid an impasse in the CTB negotiations, we must make a formal proposal on OSIs when the talks resume later this month. Specifically, I recommend that we now propose a compromise approach that is responsive to the Soviet principle of “voluntariness” and, at the same time, meets basic U.S. requirements for an effective inspection provision. The principal reasons for this recommendation are that:

—a U.S. proposal for mandatory OSIs would almost certainly deadlock the negotiations, raise doubts in the minds of the Soviets and others about the sincerity of our commitment to conclude a CTB in the near future, and jeopardize our efforts to obtain further Soviet concessions on other CTB issues of greater importance to us;

—the actual technical contribution to our CTB verification capability of any form of on-site inspection, whether mandatory or voluntary, is quite limited;

—difficult practical and legal problems would arise for the U.S. under a mandatory OSI system because of the need to deny access to sensitive U.S. national security facilities and to respect constitutional rights regarding private property;

—we would encounter serious domestic problems if we formally proposed mandatory OSIs and then, as must be expected, had to fall back in order to reach an agreement; and

—the overall verification package that now seems achievable should put us in a good position to explain to the Congress and to the American people that effective and reasonable measures have been worked out for verifying the treaty. This package is likely to include improved national technical means, authenticated data from seismic stations in the USSR, and a new challenge OSI approach (described

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Paul C. Warnke Files, December 1974–July 1979, Accession #383–98–0154, Box 1, Memoranda to the President Regarding SALT, Cruise Missiles, CTB, NPT, and Indian Ocean Arms Control, January–October 1978. Secret. A copy was sent to Keeny. Drafted by Robert Einhorn (ACDA/MA).

below) that eliminates the key defects of the Soviet proposal while preserving the basic deterrent quality of the mandatory approach.

These reasons, as well as my suggestions for a specific solution, are discussed below.

*Discussion of OSI during the December Round.* Although we tabled a U.S. Working Paper in December outlining the key elements of a CTB treaty and protocol, the paper did not contain a proposal on OSIs.<sup>2</sup> Instead, as instructed, the U.S. Delegation expressed a desire to narrow the differences between traditional U.S. and Soviet positions and explored at considerable length Soviet receptivity to an annual quota of mandatory inspections.

Soviet reactions to our probes on mandatory OSIs, which were made on a number of occasions and at several levels, were uniformly and categorically negative. Morokhov, head of the Soviet Delegation, said that we should have no illusions: his government would reject any U.S. proposal for mandatory OSIs and would regard it as a backward step intended to complicate the task of negotiating a treaty at a time when the USSR had made several important concessions in order to make agreement possible. He maintained that the 1962 Khrushchev offer of 2–3 annual inspections had been discredited and formally withdrawn by the Soviet Government and that all segments of their bureaucracy were opposed to it.<sup>3</sup>

In response to our calls for narrowing the differences between our traditional positions, the Soviets asserted that they had already demonstrated their willingness to compromise. Morokhov pointed out that, despite the USSR's long-standing opposition to any form of OSI, they had accepted the Swedish-developed concept of voluntary, or "challenge", inspections. He also cited Soviet readiness, announced during the recent October round, to work out in advance the detailed rights and functions of inspection teams.

*Limited Technical Value of OSIs.* The Interagency Working Group's study of September 1977<sup>4</sup> demonstrated that the actual verification value of on-site inspection must be considered quite limited, given the small probability of discovering evidence of a nuclear explosion with current OSI techniques if the evader has taken certain precautions (e.g., sufficient depth of burial, careful stemming and emplacement hole construction). Because of uncertainties in fixing the precise location of suspicious events, OSI visits would, in most cases, be like looking for a needle in a haystack. As the study points out, success would not be as-

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<sup>2</sup> See footnote 2, Document 180.

<sup>3</sup> See footnote 6, Document 180.

<sup>4</sup> The Working Group study of OSIs is available in Washington National Records Center, OSD Files: FRC 330–80–0017, Box 63, A–400.112 TEST BAN (27 SEP 77) 1977.

sured even if the location of a covert test were known within ten meters.

For these reasons, the interagency study concluded that the value of an OSI provision in a CTB was largely political. Any state rejecting a demonstrably reasonable OSI request would create the impression internationally that it had something to hide and would give another state grounds for withdrawal. This would be the case whether the rejection was prohibited under the terms of the treaty (i.e., mandatory approach) or legally permitted (i.e., voluntary approach).

*Practical/Legal Problems of Mandatory OSIs.* Even under a nominally “mandatory” system, neither we nor the Soviets could tolerate OSIs at sensitive locations, such as missile sites. The attempt to work out criteria for exempted locations would be very difficult, and any criteria that the Soviets could support—given their broad definition of sensitive facilities—might well be so general as to raise domestic concerns about OSI “sanctuaries” in the USSR. In addition to the question of national security exemptions, serious legal problems would arise in seeking to grant the USSR mandatory inspection rights on privately-held territory in the U.S. Given constitutional and statutory protections of U.S. citizens and their property, the U.S. Government’s ability to accede to a Soviet OSI request could well depend, in a number of circumstances, on judicial determinations.

Both of these legal dilemmas would be minimized under a voluntary OSI system. In the case of a sensitive area, an OSI request could either be turned down for valid national security reasons or the area to be inspected could be altered through negotiations to exclude the sensitive facility. In the case of a privately-held area, the U.S. Government either could turn down the request on the basis of the landowner’s and judge’s objections or could negotiate with the Soviets and the landowner to restrict the scope of the OSI visit to a mutually acceptable level.

*Domestic Considerations.* If we were to propose mandatory OSIs, it is only realistic to assume we would have to fall back at a later stage in order to reach an agreement. When our “concession” became public, as it certainly would, it would be characterized by critics as a major U.S. retreat and could even affect prospects for ratification. It seems far preferable, in my view, to make a determination now, based on the limited technical utility of OSIs, that a mandatory OSI provision would contribute little, if anything, to adequate verification of a CTB and that therefore there is no good reason to seek such a provision.

Critics of a CTB will no doubt try to make an issue of verifiability. However, I believe that the verification measures that are likely to be achievable—including authenticated data from seismic stations in the Soviet Union, challenge OSIs, as well as enhanced national technical

means—will strike the American people and Congress as an impressive package. Moreover, such a package would represent a considerable advance beyond where we were just a few years ago, when the Soviets were insisting on national technical means alone.

*Negotiating Considerations.* There is little doubt that a U.S. proposal for mandatory OSIs would be unacceptable to the Soviets and would lead to a stalemate in the CTB negotiations. But the cost of making such a proposal is not just that resolution of the OSI issue would be delayed until we decided to abandon the idea of mandatory inspections. U.S. insistence on mandatory OSI has long been regarded worldwide as a reflection of U.S. unwillingness to stop nuclear testing, and a formal U.S. proposal would be seen by the Soviet leadership—and by the rest of the world when it became generally known—as a throwback to earlier U.S. attitudes toward a CTB.

In addition to stalemating the OSI issue and casting doubt on our desire to conclude a CTB in the near future, a proposal for mandatory OSIs would work against our efforts to obtain further Soviet concessions in areas of much greater actual importance to us, especially internal seismic stations and PNE-related issues, and would thus be getting our priorities wrong. The Soviet representatives have stressed that they expected reciprocal movement by us for their November 2 initiative on PNEs and entry into force, which they regard as having made agreement possible, and that they were disturbed by our failure in December to take any tangible steps toward them on the OSI issue. Indeed, by the end of the December round, we could discern some stiffening of Soviet positions, particularly on internal stations. I believe we have to face up to the prospect that, until we meet the Soviets half way on OSIs, they will not be inclined to meet our concerns on other issues.

The British have recently informed us via diplomatic note (attached)<sup>5</sup> that they do not believe further progress can be made toward a CTB without Western willingness to abandon mandatory OSIs and that they hope we will be prepared to do so when the negotiations resume later this month.

*Seeking an Acceptable Compromise.* The present Soviet OSI proposal contains a number of serious deficiencies. Specifically, OSI requests are to be based on seismic evidence that meets certain technical criteria, thus making it impossible even to request an inspection if the available evidence is either non-seismic (e.g., overhead photography) or is seismic but does not meet the criteria. Then, once a request is made, the party on whose territory the questionable event has taken place can simply reject it out of hand, without even providing an explanation.

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<sup>5</sup> Attached but not printed is a December 29, 1977, paper from the British Embassy entitled "Comprehensive Test Ban."

I recommend that we make a counterproposal designed to shift the burden of proof from the requesting party (where it is placed under the Soviet proposal) to the suspected party as well as to raise the political costs that the suspected party would incur if it refused a reasonable OSI request without giving justifiable grounds for doing so. The formulation I recommend, which would be incorporated in the separate verification agreement that will be concluded with the Soviets to supplement the multilateral CTB treaty, would contain the following elements:

—Each party would have the right to request an OSI at any time (i.e., there would not be a ceiling on the number of requests that could be made).

—Any type of evidence, seismic or otherwise, could justify an OSI request. There would be no technical criteria for screening out events as not eligible to invoke an OSI request.

—As in the Soviet proposal, the party on whose territory the event took place would have the right to turn down the request. However, if it decided to do so, it would be obligated to provide a detailed justification for its decision, including any seismic, photographic, or other evidence that it believed demonstrated that no violation had been committed.

—If the requesting side were not satisfied by the explanation, it could call for further information. If it remained unsatisfied by such additional information, it would be entitled to bring the matter to the U.N. Security Council.

—The parties would issue an agreed interpretative statement to the effect that arbitrary refusals to grant OSI requests could undermine confidence in the treaty and could create a situation in which a party whose requests had been arbitrarily denied might consider that its supreme national interests were being jeopardized. The clear implication would be that a party could legitimately withdraw from the treaty if it felt that its requests for OSI were being turned down on insufficient grounds.

The principal distinction between a mandatory OSI system and a purely voluntary one is that a refusal to grant an inspection under the former type would constitute a treaty violation and would thus justify withdrawal from the treaty by a party whose interests are threatened. The agreed interpretative statement described above would provide the functional equivalent of that advantage, and would serve as a significant disincentive against arbitrary rejections of OSI requests. The recommended approach, by requiring suitable justification for any OSI refusal and by eliminating Soviet-proposed barriers to making an OSI request, would tend to create the presumption that the state which is asked to accept an inspection visit will either grant that request or provide a convincing explanation why the visit is unnecessary.

By providing explicitly for bringing the matter to the Security Council, the Soviet Union would be put on notice that it can turn down a reasonable U.S. OSI request only at considerable political cost. Given the Soviet Union's veto, we would not, of course, ask the Security Council to take corrective action. However, the threat that its arbitrary behavior could be exposed publicly in a forum that commands wide international attention would strengthen the overall value of the provision as a deterrent against arbitrary rejection of an OSI request.

*Recommendation.* Although I believe that OSIs, in general, have very limited utility as a CTB verification measure, I am confident that the approach outlined above for initiating OSIs, together with prearranged rights and functions of inspection teams that would be triggered when an OSI request is accepted, would give us as much value as could be derived from any OSI provision, including the idea of a mandatory quota. I therefore recommend that you authorize us to propose that approach when the CTB negotiations resume.

I have already sent copies of this memorandum to State, Defense, JCS, Energy and CIA, and they all agree with the basic approach regarding challenge OSIs that I have outlined. OSD, JCS, and Energy have commented to me that we should use our move on OSI in a manner that enables us to obtain Soviet concessions on matters of importance to us, especially on duration of the PNE ban and internal seismic stations. JCS suggests the approach be explored, but not tabled at this time. If you approve my recommendation, I will present our new position in the way I believe will best maximize our pressure on the Soviets to move our way on the critical remaining issues. I would make clear that our willingness to accept the challenge OSI approach is contingent on reaching a satisfactory solution on the entire treaty.

Paul C. Warnke<sup>6</sup>

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<sup>6</sup> Printed from a copy that indicates Warnke signed the memorandum.

**185. Telegram From the Department of State to the Mission at Geneva<sup>1</sup>**

Washington, January 26, 1978, 0236Z

21039. Del by—opening of bus. 1/281 White House for Brzezinski.  
Subject: Instructions for CTB Negotiations.

1. Following CTB instructions for Amb. Warnke received today from Dr. Brzezinski.

2. Begin quote. “When the trilateral CTB negotiations resume on January 20, the President wants you to move ahead with the negotiation of the key elements of a multilateral CTB treaty and protocol, and to explain and seek Soviet acceptance of our positions on the contents of a supplementary U.S.-Soviet agreement on verification. In doing so, you should be guided by the following considerations.

3. You should propose the concept of challenge on-site inspections, which would include the following elements: (a) there would not be a limit on the number of OSI requests, nor conditions as to the type or technical adequacy of evidence that must be presented before a questionable event would be eligible for an OSI request; (b) a party not accepting an OSI request would be obligated to provide a detailed justification; (c) a requesting party not satisfied with the explanation would be entitled to bring the matter to the U.N. security council; and (d) there would be an agreed understanding that arbitrary refusals to grant OSI requests could undermine confidence in the treaty and could create a situation in which a party whose requests had been arbitrarily denied would consider that its supreme national interests were jeopardized (thus providing a basis for withdrawal from the treaty).

4. You should present our new position in a manner that encourages maximum Soviet movement toward us on issues of importance. You should stress that our new position on inspection is part of an integrally related and essential verification package—which includes our position on internal seismic stations and OSI procedures. Furthermore, you should state that the offer of this verification package represents movement on our side on an important and sensitive issue, and is contingent on Soviet movement to satisfactory solutions on the duration and PNE protocol issues along the lines we have proposed.

5. You should draw on the working group guidance paper in continuing to promote our approach to obtaining timely, useful, and au-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 3–12/77. Secret; Immediate; Nodis. Sent for information Immediate to the White House. Printed from a copy that indicates the original was received in the White House Situation Room.

thenticated data from internal seismic stations. If it appears helpful in advancing our objectives, you may indicate to the Soviets that, while we are not prepared to propose a specific number of stations, we are examining networks ranging up to around twenty installations. You may indicate that the precise number will depend on such factors as noise levels, locations, and the extent to which arrays of seismometers may be included.

6. You should draw from the working group guidance papers in presenting our views on the rights and functions of on-site inspection teams that would be explicitly provided for in the separate, U.S.-Soviet verification agreement and on procedures for international seismic data exchange.

7. If the issue of permitted nuclear experiments is raised, you should repeat our position that the terminology used to describe the basic CTB prohibitions may require mutually acceptable understandings regarding distinctions between prohibited explosions and permitted nuclear experiments. The Delegation should indicate, however, that we are not prepared to pursue this issue further at this time.

8. You should continue discussion of issues concerning the treaty duration and PNE protocol on the basis of my December 4th instructions." End quote.

Vance

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## **186. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, January 30, 1978

### **SUBJECT**

Report for the Soviets on US PNE Experience

In your Fall meeting with Foreign Minister Gromyko,<sup>2</sup> you offered to provide the Soviet Government with an account of our PNE experience. Shortly thereafter, we briefed the Soviet CTB Delegation in Ge-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Agency File, Box 1, Arms Control and Disarmament Agency: 8/77-2/78. Confidential. Sent for action. Carter initialed the memorandum.

<sup>2</sup> See Document 168.



neva on our experience and the SCC Working Group prepared a detailed PNE paper for transmittal to Gromyko. As a result of Brezhnev's offer of a PNE moratorium on November 2,<sup>3</sup> we deferred transmittal of our PNE paper to Gromyko pending Soviet elaboration of their new PNE position in the December round of the CTB negotiations.

Although the main PNE issue is settled, it is clear from those discussions that considerable work remains on the issue of duration of the PNE Protocol and its linkage to the CTB treaty. The Soviets have informally indicated in Geneva that, due to the size of their PNE program, any provision for extension of the PNE moratorium poses difficult bureaucratic problems for them. As a result, it would be useful to forward our PNE report at this time to demonstrate good faith in continuing PNE discussions and keep the Gromyko channel open in the event it is needed for resolution of the remaining PNE issues.

In an earlier comment on a Weekly Report item,<sup>4</sup> you indicated that you wanted to read the PNE paper, and a brief summary is attached for your review at Tab A.<sup>5</sup>

#### *RECOMMENDATION*

———That you authorize transmittal of the PNE report to Gromyko.<sup>6</sup>

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<sup>3</sup> See footnote 2, Document 176.

<sup>4</sup> Not found.

<sup>5</sup> Attached but not printed is a paper entitled "U.S. Perspectives on Peaceful Nuclear Explosions."

<sup>6</sup> Carter wrote a check mark authorizing the transmittal of the PNE report to Gromyko. Underneath this sentence, Carter wrote "use 'private industry' vs 'industry'," referring to page one of the PNE report that noted that "Experimental programs (including nuclear experiments) have been conducted jointly with U.S. industry on the most interesting ideas and there have been careful evaluations of both technical feasibility and cost effectiveness." Despite twenty years of such programs, "no application has been identified by the United States where PNEs offer important, clearcut advantages over alternative approaches, and the United States no longer funds any PNE activities." Vance sent the PNE Report under cover of a February 14 letter to Gromyko. (National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Accession #383-98-0120, Box 1, US Perspectives on Peaceful Nuclear Explosions, February 1978.)

# 187. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>

Geneva, February 9, 1978, 1844Z

1993. Exdis USCTB. Pass to DOE. Subject: CTB Negotiations: US-UK Bilateral Meeting, February 8.

CTB Message No. 123.

1. Summary. US and UK Delegations met on February 8 to discuss issue of UK role in US-USSR separate agreement on verification. US Alt Rep (Neidle) reviewed principal reasons why, in US view, verification agreement should be bilateral in nature with UK association. He outlined US proposals for specific features of UK role as per instructions. UK Delegation was generally receptive to US approach which acting UK Rep (Edmonds) said was consistent with formulation used in UK December 16 plenary statement (agreement between US and USSR with UK association)<sup>2</sup> and with general guidance issued by UK ministers. On specific features of UK role, UK Deloff (Fakley) said that, from standpoint of technical requirements for giving UK confidence that Western security interests are protected, US proposals corresponded to what UK Delegation had in mind. End summary.

2. US Rep outlined reasons why, in US view, agreement should be bilateral in nature, particularly because straightforward, bilateral arrangement that did not appear to be subjecting Soviets to unequal verification burden would serve overriding Western interest of getting the USSR to accept detailed and effective verification provisions. At the same time, he said US welcomed association of UK in such a way as to permit benefits of UK expertise and participation, and to give UK a higher level of assurance regarding Soviet compliance than would be available to the non-nuclear parties to the treaty (see full text of talking notes, para 8). Drawing on Del's instructions,<sup>3</sup> he outlined proposed nature of UK association, as envisaged by US, i.e., inclusion of UK personnel on US on-site inspection teams operating in the USSR; possibilities for US-UK consultations in event of UK concerns about Soviet behavior; UK right to receive all data from internal stations in USSR; UK participation in US seismic station installation teams on Soviet territory. On legal form, he said US had in mind an exchange of notes between US and UK which would specify US intentions with regard to in-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780061-0359. Secret; Immediate; Exdis. Sent for information Priority to London and Moscow.

<sup>2</sup> The UK statement is in telegram 12360 from the Mission in Geneva, December 17, 1977; National Archives, RG 59, Central Foreign Policy File, D770471-0209.

<sup>3</sup> Not found.

clusion of UK personnel in carrying out certain functions. He said US envisaged frequent bilateral consultations with UK, as well as possibility of ad hoc trilateral consultation when this seemed appropriate and noted that UK would have option of requesting OSI on Soviet territory independently of US under multilateral treaty.

3. UK Rep noted that HMG had made political decision that UK should be associated with bilateral US-Soviet verification agreement, consistent with formulation in UK plenary statement of December 16, but had not thought out details of association. He indicated UK Delegation's views on best form of association would influence London's thinking. He said US approach seemed consistent with UK December 16 formulation and acknowledged the importance of proposing an arrangement that was capable of achieving Soviet support for effective verification provisions.

4. UK Deloff, in supplementary comments, stressed UK requirements that a separate agreement provide assurance of treaty compliance and ensure US-UK cooperation. He said, from technical point of view, US proposals were what his Delegation had in mind. Stating that there was no justification for independent British OSI capability, he said UK would favor integration of UK personnel in US OSI inspection teams. On ISIs, access to regional seismic data from stations in USSR satisfied UK requirement. On installation of ISIs, he said UK envisaged involvement in three phases: (1) site selection; (2) installation and station checkout; and (3) maintenance. He said this was extent of UK technical involvement envisaged.

5. US Rep responded that US concept of site installation did not exclude site selection. We had not suggested UK involvement in site maintenance, since this might be conducted infrequently with very limited number of personnel, and would probably be more of a chore than anything. But he said we would be prepared to discuss this. Fakley said basis for UK desire to be included in maintenance phase was that it would be only available basis for continuing UK involvement after initial installation of stations. US Rep noted that explicit references to UK association in body of bilateral agreement would establish basis for working out extent and details of UK role. UK Rep expressed agreement with this concept and stressed that UK wanted UK participation to be a positive, not a complicating factor.

6. UK Rep raised issue of procedure for consultations. US Rep noted, as practical matter, that in many cases, US and UK would presumably want to consult promptly in the event of a suspected Soviet violation. Tripartite consultations might on occasion be deemed desirable as well, but in view of wide range of possible scenarios, it would not seem appropriate to make them obligatory.

7. UK Rep said he would report discussions back to London and would receive instructions in the near future.

8. Text of US Rep's talking notes follows: Begin text:

—The overall Western objective for the separate agreement should be to ensure effective verification of the USSR without undercutting our goal of obtaining broad non-nuclear weapon state adherence to the treaty.

—We thus have an interest in making effective verification procedures as palatable and negotiable as possible to the Soviets. Our judgment is that we are more likely to achieve Soviet acceptance of such procedures if we make the arrangements as simple as possible and do not in any way appear to be subjecting them to double jeopardy.

—We also have an interest in avoiding the perception of discriminatory verification arrangements. In our view, the separate agreement will be more palatable to the non-nuclear states if it is perceived to be based on such factors as special mutual security concerns (such as those between the two super-powers) and geographical considerations (large land masses with locations suitable for evasive testing).

—We both also have certain domestic considerations to take into account. We understand that the form of British association could be of some importance to you, and that there will be other questions, including, for example, the costs that may be involved. For us, it is important that the separate agreement be seen as capable of operating in a streamlined and prompt manner.

—For these reasons, we believe that emphasis should be given to the bilateral, as opposed to the trilateral (or nuclear weapon state), aspects of the agreement.

—At the same time, we recognize and welcome the UK's interest in being associated. We believe it is important for the measures contained in the agreement to benefit from UK expertise and participation. And as a leading nuclear weapon power, and the only other nuclear power to join the treaty from the start, the UK should be able, through a practical form of association, to obtain a higher level of assurance regarding Soviet compliance than would be available to the non-nuclear parties.

—Taking these factors into consideration, we have devised an approach to UK association that we believe would meet overall Western objectives. The agreement we have in mind would be bilateral, with the US and USSR as its parties. At the same time, the agreement would be developed on a trilateral basis, with the UK playing an active role in the negotiations.

—The agreement, under our suggested approach, would apply to activities on US and Soviet territory. As far as OSIs are concerned, it

would cover US requests for OSIs on Soviet territory and Soviet requests for OSIs on US territory. In the event that a US request was accepted, the agreement should permit US to include UK personnel on US inspection teams. Moreover, if the UK had concerns about Soviet behavior, the two of us could discuss the matter and, on the basis of those discussions, the US might make an OSI request under the agreement. On the other hand, the UK might wish to raise the matter with the Soviets independently and to make a UK OSI request, as it would be entitled to do under the multilateral treaty. Either option would be available.

—As far as the possibility of Soviet inspections on UK territory is concerned, we believe this could be handled under the multilateral treaty. We doubt that the Soviets would insist on dealing with this contingency under the separate agreement, and we see no reason to anticipate their concerns.

—As far as internal stations are concerned, we also doubt that the USSR would desire such stations on UK territory and therefore see no reason why this possibility should be offered to them.

—With respect to internal stations, we believe the UK should have the right to receive all of the data from internal stations in the USSR. In addition, the UK might want the right to participate in US installation teams on Soviet territory. These rights could be provided for explicitly in the bilateral agreement.

—With respect to consultations, we would naturally plan to consult bilaterally with you frequently and on all aspects of the separate agreement. There may also be circumstances when ad hoc trilateral consultations would be desirable.

—As far as the legal form of UK association is concerned, we have in mind an exchange of notes between the US and the UK. The US note would express how we intended to exercise our rights under the agreement to include the UK in carrying out certain functions and our intention to share all internal seismic data. The UK note would express your readiness to cooperate and participate in implementing the agreement. The signing of the notes could take place simultaneously with the signing of the bilateral agreement. End text.

**Warnke**

**188. Memorandum from Secretary of Defense Brown to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, March 3, 1978

SUBJECT

Nuclear Weapons Stockpile Reliability Under a CTB (U)

(S) Almost two months ago, I raised the issue of what nuclear experiments would be permitted under a CTB. Since then we have analyzed this issue in some detail.

(S) The purpose of this paper is to discuss the issue of maintaining confidence in the nuclear stockpile under a CTB. Specifically, this paper will address: the ways we have ensured stockpile reliability in the past; the potential problems we will face under a CTB; the alternatives available to maintain high confidence in stockpile reliability in the future; and the implications of these alternatives in terms of verification, our non-proliferation objectives, U.S.-U.S.S.R. asymmetries, and achieving Congressional ratification of the treaty.

(S) I begin with the assumption that without question it will be U.S. national policy under a CTB to maintain high confidence in our nuclear deterrent forces. An essential element of this will be confidence in the reliability of our nuclear weapons stockpile.

(S/RD/N) *Maintenance of Stockpile Reliability in the Past.* In the past, we have ensured reliability of the nuclear weapons in our stockpile by a comprehensive program in which nuclear testing played a key role at several points.<sup>2</sup> First, during development, each device was extensively tested in a program that typically started at low yields for development of the primary, and progressed up to full yield detonations and nuclear effects tests of the weaponized version. Second, during the stockpile life of the weapon, reliability problems uncovered in the stockpile surveillance program were resolved by expert design teams who were familiar with the results of all past testing of the weapon and whose competence was maintained by participation in a continuing nuclear test

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-81-0202, Box 53, A-400.112 TEST BAN (1 Jan-15 Mar) 1978. Secret; Restricted Data.

<sup>2</sup> The U.S. stockpile consists primarily of high-technology warheads, each uniquely optimized for its intended delivery system and its military mission. Each type warhead is custom-designed according to the required yield, output, weight, size, and shape. Usually, old designs are not rebuilt for new applications. Maximum emphasis is placed on reduced size and weight, economical use of special nuclear materials (oralloy, plutonium, and tritium), maximum yield-to-weight ratio, inherent one-point safety, security, and survivability. [Footnote is in the original.]

program. When necessary, individual reliability problems were investigated and resolved by specific nuclear tests. The adequacy of fixes or design modifications occasionally had to be verified by nuclear testing. Finally, the weapon was replaced in the inventory well before the end of its nominal service life by a new design which was perfected through its own development test series.

(S/RD/N) The yield levels of the above test programs varied, of course, from a few pounds to full weapon yield. [5 lines not declassified]

(S/FRD) *Potential Problems Under a CTB.* Under a CTB—whatever its terms—we will not be able to continue maintaining the stockpile as before. The outlook for stockpile reliability depends upon the type of CTB we aim for and achieve.

(S/FRD) If a CTB allowed no weapons testing having any nuclear yield, our confidence in the reliability of the stockpile would remain high initially, and would then decline at an accelerating rate, possibly reaching quite low values. Methods to quantify this degradation are not now known. The reasons for its occurrence are complex. In the worst cases, a specific problem could require retirement of entire major systems. As warheads reach the end of their service life—and some in the stockpile will reach that point relatively soon—we are not certain that we can replace them with exact copies in which we have high confidence. There are a number of reasons for this, including our inability to reproduce materials or duplicate manufacturing processes exactly; some of these may be prohibited because of present day environmental and safety regulations. Finally, as delivery systems are necessarily changed with advancing technology or new missions and threats, we are not certain we can adapt existing warheads with high confidence. The possibility of such situations arising under a CTB prompts consideration of alternative CTB concepts.

(S) The central question to be asked with regard to all alternatives to an ideal “zero-yield” treaty is: Which alternatives would maintain the highest stockpile reliability over the long term without jeopardizing the potential benefits, particularly the non-proliferation benefits, of a CTB?

(S/FRD) *Alternative Approaches.* Three alternative approaches appear worthy of consideration, either singly or in combination. We would argue that each could be made compatible with the concept of a CTB because of the special requirements of nuclear weapon states (NWS) to ensure the reliability of their stockpiles. In brief form, these alternatives are:

—(S/FRD) *Permitted Experiments.* Allow low-yield (kiloton or sub-kiloton) experiments below some designated threshold with the purpose of contributing to stockpile maintenance.

—(S/FRD) *Quota*. Permit some low number of nuclear tests (e.g., 2–5) annually for the purpose of stockpile maintenance.

—(S/FRD) *Phase-out*. Provide a transition period (e.g., 10 years) during which testing, within some limits to be determined, would be allowed for the purpose of adapting existing stockpiles to lower-yield test conditions.

(S/RD/N) *Permitted Experiments* (U).

(S/FRD) Provisions for “permitted experiments” would allow the use of explosive release of nuclear energy for maintaining our confidence in stockpile reliability. This alternative would make a clear-cut distinction between “nuclear testing” which would be prohibited and “nuclear experiments” which would be permitted. Energy-related work, such as inertial confinement fusion, would continue.

(S/FRD) The value of low-yield nuclear experiments for maintenance of confidence in the nuclear weapons stockpile would vary with the yield allowed. Such experiments may range from the minimum “observable” nuclear yield, about [*numbers not declassified*] kiloton, to an upper limit of a few kilotons. They are different in a most essential way from zero-yield hydrodynamic testing in which no fissile material is involved. [*4 lines not declassified*]

[*6 paragraphs (44 lines) not declassified*]

(S/RD/N) [*3 lines not declassified*] However, testing above 1 KT, except perhaps in connection with a quota or phase-out provision, may not be considered compatible with the concept of a CTB.

(U) Another way to summarize the requirements for maintenance of stockpile reliability and to show the yield dependencies of other related aspects of a CTB is shown in Table 1.<sup>3</sup>

(S) There are at least two ways that “permitted experiments” could be incorporated in a CTB. One approach would be to ban “nuclear explosions” in the treaty, and then define the term in such a way as to exclude the tests we wish to allow. A possible formulation might be: “For the purposes of this treaty, a nuclear explosion is defined as an event producing more than \_\_\_\_\_ calories yield from a super-critical assembly in less than a few microseconds.” A second approach would be to ban nuclear explosions (undefined) and then explicitly identify an exclusion. There are a number of ways this exclusion could be worded; for example: “The prohibition of Article \_\_\_\_\_ does not apply to fully contained nuclear experiments conducted in reusable laboratory facilities.” This second approach, however, would be applicable, because of

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<sup>3</sup> [*Table 1 not declassified*]



technical limits on containment, only to nuclear experiments whose yield limits would be about 100 tons.

(S) *Quota and Phase-out Alternatives*. Both the quota and phase-out alternatives are variants on the permitted experiments theme. However, as presently conceptualized, both approaches would permit testing at a much higher kiloton threshold than envisaged under the permitted experiments option.

(S) The *quota* approach would apply a stringent limit on the number of tests allowed each year (e.g., 2–5). The purpose of the testing would be stockpile maintenance, i.e., tests only for conversion to “woodenized” warheads, recertifying rebuilt warheads, or fixing problems. If no lower limit were imposed, the 150 KT threshold of the TTBT could govern, but this approach could be coupled with a reduction of the 150 KT threshold.

(S) The *phase-out* approach would be constructed explicitly to attempt transition to “wooden” warheads which might be designed to be replaceable with only limited design guidance or testing. As in the alternative above, the TTBT could govern yield unless otherwise specified. The duration could be specified by the number of years or tests or both (e.g., 10 years or 25 tests, whichever comes first).

(S/RD) *Combination of Alternatives*. Possibly more attractive than any of the individual alternatives—both for achieving the “tightest” possible CTB for non-proliferation purposes and for achieving high stockpile reliability—would be a combination. For example, a quota (5 tests per year) at a reduced yield threshold (15 KT) for a phase-out period (5 years), followed by permitted experiments (sub-kiloton), and with the purpose of all tests being rigorously limited by description to stockpile maintenance. During the phase-out period, a periodic review would be conducted to assess the progress in achieving the desired goal. If success was not likely, it might not follow that the transition would be made to the “permitted experiments” phase. If it made negotiating strategy easier, this could be approached on a “Phase I, Phase II” basis. In all alternatives nuclear effects testing could be “piggy-backed” on weapons tests. (Note that this combination will not allow high-yield testing to resolve problems that may occur with secondaries.)

(S/FRD) *Implications of the Alternatives* (U)

[1 paragraph (10 lines) not declassified]

(S) *Non-Proliferation*. The implications of the various alternatives to maintain stockpile reliability under a CTB for our non-proliferation objectives are difficult to determine. By agreeing to a CTB, the U.S., U.S.S.R., and U.K. will have taken a major step toward achieving the over-all objectives of the Non-Proliferation Treaty. We will be severely constrained in the development of new weapons even if nuclear experi-

ments, a quota on testing, or a phase-out of testing are permitted (for nuclear weapons states only). At issue here in relation to our NPT objectives is how a CTB which allowed (or did not allow) one or more of the various alternatives would affect the nuclear development decisions of those states who have not signed the NPT.

(S) Any exceptions for nuclear weapons states will be characterized by some of the non-nuclear states as discriminatory. States which want a rationale for continued non-participation in the NPT are likely to exploit any exception from an ideal zero-yield treaty. On the other hand, I see no reason to believe that a zero-level treaty (as opposed to one allowing experiments, a quota, or a phase-out) will provide sufficient reason for those same states to participate in the NPT. The motivations behind the decisions for nuclear weapons are far more complex, and virtually impossible to characterize in advance. We should distinguish in our own thinking between those real motivations, on the one hand, and excuses on the other.

(S/RD) *U.S.-U.S.S.R. Asymmetries and Congressional Ratification.* A third consideration is how any of the various alternatives for maintaining stockpile reliability under a CTB would affect asymmetries in the reliability of U.S. and U.S.S.R. stockpiles. Although much is unknown in this area, several factors appear to give the Soviets an advantage in reliability of their stockpile. First and most important, they can retain their weapon design lab personnel for many years simply by control of personnel assignments. Second, their missiles have a larger throw-weight by a significant amount, giving them more flexibility in correcting problems without nuclear testing (i.e., by falling back to simpler, heavier warhead designs).

[1 paragraph (6 lines) not declassified]

[8 lines not declassified] Higher yield primaries, while almost surely weighing more, would be less subject to deleterious effects of small changes in production processes, materials, etc., and thus could have better long-term reliability.

(S) It would appear, therefore, that the Soviets would begin a CTB with a "built-in" asymmetry in their favor. The quota and phase-out alternatives are the ones that would contribute more directly to minimizing the effects of this asymmetry.

(S) With respect to the permitted experiments alternative, the question of potential asymmetries becomes intertwined with the verification capabilities of both sides. [5 lines not declassified] A unilateral U.S. failure to carry out experiments at that level could produce significant technical asymmetries. It would almost certainly have a considerable political impact if it were believed that we were not, but the Soviets were, doing such experiments.

(S) Another consideration is that we should expect close Congressional scrutiny of the stockpile reliability and verification problems associated with a CTB. A treaty which constrains experiments to the kiloton and sub-kiloton range—let alone a still lower level—is likely to be attacked by some as a “give away” that concedes a permanent reliability advantage to Soviet nuclear forces. On the other hand, a CTB treaty that has a higher yield quota or phase-out provision will probably be attacked by others as a significant departure from the ideal of a “comprehensive” test ban.

(S/FRD) *Options* (U)

(S) At issue is whether some form of limited nuclear testing—limited in yield, numbers of tests, or duration—should be allowed under a CTB in order to maintain, over the long term, high confidence in the reliability of our nuclear weapons stockpile.

(S) At this time, there is no known method of ensuring high stockpile reliability that does not include some nuclear testing. Yet any proposal for modifying a “zero-yield” CTB would conflict with the basic purposes of an ideal CTB, the degree dependent upon the type of modification desired. Weighing together these two policy requirements is the tough problem.

(S) The options which appear to offer the best approach toward satisfactorily gaining both objectives of stockpile reliability and non-proliferation are listed below:

1. (S/FRD) *Phase-out*, i.e., some form of quota testing, restricted solely to nuclear weapon states, at a limit of 15 KT or less, over a specified period of time. [2 lines not declassified] As to the length of the transitional period, it is again noted that methods to quantify confidence levels in the reliability of our stockpile, in a condition of non-testing, are not known. Sufficient time to determine the feasibility of a “woodenized” stockpile and to permit an orderly transition to a posture that would provide adequate assurance of high confidence in stockpile reliability under a CTB would be essential criteria. For a short transition period, e.g., 5 years or less, a review provision following it would be desirable.

2. (S/FRD) *Small quota of tests per year*. A quota of perhaps two tests per year at some fixed yield limit, perhaps as low as 5 KT or even as high as the 150 KT TTBT limit, might provide sufficient opportunity for assuring stockpile confidence. This rate would be so much lower than the current testing rates of both the U.S. and the U.S.S.R. that it should allay most concerns about the development of new weapons. However, this approach would be a major deviation from a pure CTB. To minimize its impact on our non-proliferation goals, it would require full clarification to the non-nuclear weapon states of the need of nuclear

weapons states to maintain a reliable nuclear weapon stockpile. The advantage of this approach is that throughout the yield range it continues testing in the mode where our past experience lies, and also [*less than 1 line not declassified*]

(S/FRD) Under both Options 1 and 2, sub-kiloton nuclear experiments, e.g., 100 tons, would be allowed indefinitely. They would assist in maintaining high levels of scientific expertise at the laboratories. This would also allow energy-related work to go on, and would accept the fact that military benefits, e.g., nuclear weapons effects testing, cannot be excluded from such work.

3. (S/RD) *Permitted Experiments* [*less than 1 line not declassified*]. Stockpile confidence would be lower than under options 1 and 2 above. While testing at levels less than about [*less than 1 line not declassified*] would not contribute directly to stockpile reliability, the positive benefit of such testing would be in encouraging the retention of laboratory expertise which would help indirectly to assure stockpile confidence. Full support by the government in retaining the high scientific quality of the laboratories would be essential. [*2 lines not declassified*]

(S) There are other variations which could also contribute to stockpile reliability but would probably contribute less toward non-proliferation objectives than the above options.

1. (S/FRD) [*2 lines not declassified*] Such tests would contribute directly to stockpile reliability but may not solve all stockpile maintenance questions requiring testing. [*1 line not declassified*]

2. (S) *Formal Review*. Under this variant, there would be no provision for nuclear tests for stockpile reliability during the period of the agreement; however nuclear experiments under 1 kiloton would be permitted. The agreement would include a provision for a formal review at the end of the 3 to 5 year initial duration period. At that time, each party would have the right to conduct those nuclear tests at a specified yield which are certified by each government to be required to maintain stockpile reliability.

(S/FRD) *Recommendation*. The issues identified in this paper concerning some form of limited testing under a CTB for maintaining high confidence in the reliability of our nuclear stockpile are of sufficient national importance to warrant an SCC meeting to obtain a conclusive decision.

**Harold Brown**

**189. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, March 22, 1978, 0910Z

4351. USCTB. Pass to DOE. Subject: CTB Negotiations: Assessment of Session Held January 23 to March 22, 1978.

CTB Message No. 187

1. Summary: With trilateral negotiations entering brief recess, most significant development in recent weeks has been emergence of verification, rather than peaceful nuclear explosions (PNEs), as chief Soviet preoccupation and as the key issue on which prospects for early achievement of a CTB treaty depend. It has become clear that our proposals on internal seismic installations (ISIs) and on-site inspections (OSIs) have struck sensitive nerves in the Soviet government and have encountered strong resistance within certain quarters on the basis of traditional Russian concerns about sovereignty and security. While the Soviets continue to state agreement in principle to the idea of authenticated ISIs and preagreed OSI rights and functions, and have accepted a number of specific elements of our approach, their overall response to our proposals—as reflected in the draft separate agreement they tabled on March 15<sup>2</sup>—has been minimal and inadequate. They have, in particular, proposed leaving decisions on key verification requirements to a joint consultative commission after the treaty enters into force.

2. However, the Soviets have stressed informally that, if verification difficulties can be resolved, duration and PNE linkage would no longer be problems. Soviet Rep (Morokhov) has privately told both us and the British that he would recommend Soviet government acceptance of idea that weapons test ban treaty should be permitted to extend without French and Chinese adherence and that, in the absence of mutually acceptable means of carrying out PNEs, the PNE moratorium should continue as long as the treaty. And, despite objections concerning U.S. verification proposals, leaders of Soviet Delegation have given every indication that Soviet government wants to conclude a CTB treaty at an early date. End summary.

3. Much of the work of the round beginning on January 23 consisted of detailed U.S. presentations on verification. Including the introduction of illustrative language for the separate verification agreement, the presentation of technical justifications for our proposals, and re-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780125–1235. Secret; Immediate; Exdis. Sent for information Priority to London and Moscow.

<sup>2</sup> The draft agreement is in telegram 4069 from the Mission in Geneva, March 16; National Archives, RG 59, Central Foreign Policy File, D780117–0507.

sponses to Soviet questions. The Soviet reaction to our verification package evolved gradually. At first, our proposals evoked considerable interest and even a few positive signals. As the round progressed, however, reactions became more negative, culminating in the Soviet plenary statements of March 3 and 10,<sup>3</sup> where Morokhov labeled U.S. proposals on ISIs and OSIs unacceptable.

4. The basis for this hardening Soviet attitude on verification is what appears to be an acute concern, at least within certain parts of the Soviet Delegation, that our verification proposals would involve unwarranted intrusion on Soviet sovereignty and would jeopardize Soviet security by making available intelligence information unrelated to the CTB treaty. The more they have studied the details of our proposals, the more they have expressed opposition. They have claimed, for example, that the high quality seismometers we propose would detect missile launches and tank movements within the USSR, that U.S. ISI site selection, installation, and maintenance teams would have unwarranted opportunities to roam around vast areas and engage in unauthorized activities, and that U.S. procedures for exempting certain sites from on-site inspection areas would enable us to conduct an intelligence mapping operation of the Soviet Union.

5. It is apparent that verification has become a controversial and divisive issue within the Soviet Delegation, presumably reflecting sharp bureaucratic differences in Moscow. At more than one plenary meeting, Morokhov has staked out extreme positions on matters of Soviet sovereignty and security, only to contradict himself a few minutes later at the restricted heads of Delegation meeting. He has acknowledged that he is under certain constraints when his whole Delegation is present, and has encouraged us to take him more seriously when he speaks in the private sessions. At working group meetings, we have seen representatives of different Soviet agencies openly contradict one another.

6. Of course, Soviet concerns about the effects of our verification proposals on Soviet sovereignty and security are either highly exaggerated or without any technical foundation. But these issues are probably being considered by the Soviet government only partially on their merits. Our proposals clearly cut against the doctrinal grain, and we would expect that they have stimulated the attention and the hostility of the Soviet security apparatus, if not other influential segments of the Soviet bureaucracy as well. With such high stakes, we can anticipate

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<sup>3</sup> The Soviet plenary statements are in telegram 3421 from the Mission in Geneva, March 4; National Archives, RG 59, Central Foreign Policy File, D780099-0598 and telegram 3854 from the Mission in Geneva, March 11; National Archives, RG 59, Central Foreign Policy File, D780109-0775.

great difficulty in getting the Soviets to go along with our proposals on verification.

7. Internal seismic installations. Among the verification issues, the most sensitive to the Soviets, and the most important to us, is ISIs. The Soviets have, at least in principle, accepted important elements of our approach, especially the need for agreed technical characteristics of the equipment, agreed authentication measures, agreed procedures to ensure the integrity of the authentication device, agreed station locations, and agreed communications channels. But critical problems remain. The most generalized defect of the Soviet approach to ISIs, as presented in their March 15 draft, is that practically all agreed requirements for the seismic installations would be determined by the joint consultative commission after entry into force of the treaty, rather than provided for in the separate agreement. Privately, Morokhov has argued that it would be easier to work out characteristics satisfactory to us in the JCC than in the separate agreement itself, since these issues will have greater political visibility and sensitivity during the treaty negotiations. We have taken the position that controversial issues can best be resolved in these negotiations. A possible basic difference of principle may also exist on the nature and volume of the data to be exchanged. The Soviets have discussed, but not yet formally proposed, an approach under which data from the ISIs would be provided only upon request for the purpose of clarifying the character of events that had been detected by national technical means. In addition, pointing out that the equipment proposed by us will probably not be ready for deployment when the treaty enters into force, the Soviets have called for the use of existing equipment and have not been clear on whether they envisage upgrading later.

8. The present Soviet position on ISIs is clearly inadequate, and we have told them so. We have stressed that we could not enter into a CTB without first having nailed down our essential verification requirements in the separate agreement, including the requirement for receiving all data recorded at the ISIs, not just specially requested data. It is currently difficult to predict how much detail, in terms of ISI characteristics, the Soviets will be prepared to accept in the separate agreement. While claiming that he has already gone beyond his instructions in the March 15 draft, Morokhov has hinted that the Soviets would be prepared to consider more detailed formulations. He talked of finding the “golden mean” between the Soviet draft and the “excessive detail” of the U.S. proposal. However, Morokhov has also said that he is not in a position to put forward modifications of the Soviet draft and has urged us to propose additions and modifications of our own.

9. On-site inspections. Relative to ISIs, remaining difficulties on OSIs seem less acute and more easily resolvable. On the question of

procedures for initiating OSIs, the stated Soviet objective has been to ensure that OSIs would not be used for harassment or for purposes unrelated to CTB compliance. They have accordingly tried to delineate clearly the limited type of event that could trigger an OSI request and also to limit the type of evidence that could be used in making such a request. Throughout the round, Soviet Delegation members have given us confusing and most often troublesome signals on this question. However, from recent remarks by Morokhov and his deputy, Timerbaev, it seems that there may now be a reasonably good possibility of finding language that meets the Soviet need for specificity in describing the type of event that could trigger an OSI, without establishing criteria (e.g., requirement for seismic evidence) that could serve as a barrier to U.S. OSI requests. In addition, we have continued to stress that our proposed agreed understanding on the consequences of arbitrary behavior in rejecting OSIs is an essential element of our voluntary approach to OSI. While the Soviets have not formally responded to our proposal, Timerbaev has indicated that they may be prepared to work with us on such an understanding.

10. On OSI rights and functions, the Soviets have continued to agree in principle that these should be agreed in advance and specified in the separate agreement. In practice, however, their draft deals only with rights, in general terms, contains nothing on functions and defers certain key elements (e.g., types of equipment, number of personnel, duration of OSI) to ad hoc determination by the joint consultative commission. U.S. Delegation believes that Soviets will eventually agree to a more complete and explicit treatment of the rights and functions in the separate agreement, along the lines we have proposed. However, this may well prove difficult and time-consuming, and we would still have the job of getting the Soviets to accept the details of our proposal.

11. International seismic data exchange (ISDE). The verification issue on which the most progress was made in terms of working out agreement language was ISDE. In the course of several sub-group sessions, a bracketed composite text was developed of the treaty annex containing the guidelines for the ISDE. The present text includes only a few bracketed formulations, reflecting disagreements on relatively minor issues. The only factor preventing elimination of virtually all of the brackets (with the exception of those containing alternate formulations on the nature of the implementation body) was the inability of the Soviet Delegation, even on this relatively simple and uncontroversial issue, to coordinate its position effectively. Soviet sub-group representatives came to several meetings without instructions, and were simply unprepared to negotiate.

12. Duration and peaceful nuclear explosions. Throughout the round, the U.S. and UK Delegations kept the pressure on the Soviets to



abandon their existing positions on duration of the weapons test ban treaty and linkage between the duration of the treaty and that of the PNE moratorium. While Soviet Delegation members indicated informally, almost from the start of the round, that they were prepared to consider alternatives to their present position on treaty duration, they were unwilling, and remain unwilling, to make a formal proposal until there is a greater measure of agreement on verification. Until recently, we had speculated that the Soviet tactic might be to wait until verification is resolved, and then offer to permit the weapons test ban to continue without French and Chinese adherence in exchange for our acceptance of a deadline for the PNE moratorium. However, Morokhov on March 9 told us that he was convinced that the duration and PNE issues would pose no difficulty once verification was solved. He said that he would recommend Soviet acceptance of the idea that the treaty should be permitted to continue and that, in the absence of trilateral agreement on procedures for carrying out PNEs, the PNE moratorium should remain in force as long as the weapons test ban.

13. U.S. Delegation considers it unlikely, in light of the importance of the issues involved, that Morokhov would talk that way if the Soviet Delegation did not already have authority to move along those lines or if Morokhov was not confident that he could get that authority. If this is correct, the Soviets are prepared to move much more decisively and much more quickly from their Nov 2 position (i.e., fixed deadline for PNE moratorium)<sup>4</sup> than we had expected. Indeed, such a move would constitute total acceptance of our position on PNE linkage.

14. Of course, even if Morokhov's remarks can be depended upon fully, we would not expect it to be easy to find mutually acceptable formulations on duration and PNE questions. The Soviets may well back away from their November 2 positions gradually, in small and initially inadequate steps. In any event, it is very doubtful that they would accept our December 7 proposal concerning a special right of withdrawal,<sup>5</sup> since that formulation, in their view, places too heavy a responsibility on the individual state deciding to exercise its right. Instead, they will probably insist on some formula that incorporates the principle of "unity of action" among the three nuclear powers which, to the Soviets, probably means trilateral consultations prior to a decision on extending the treaty and either simultaneous release from their CTB

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<sup>4</sup> See footnote 2, Document 176.

<sup>5</sup> Telegram 11707 from the Mission in Geneva, December 7, 1977, contains the text of the December proposal, which specified that "after three years have elapsed since the entry force of the treaty, any party could give one year notice and, at the end of that year, withdraw from the treaty if it determined that conditions arising from the conduct of nuclear explosions by any non-party required its withdrawal for reasons of national security." (National Archives, RG 59, Central Foreign Policy File, D770454-1524)

obligations or a joint determination to extend the treaty. The duration formula recently proposed by the UK includes that principle, while meeting our key objective of permitting the treaty regime to continue without French and Chinese adherence. Moreover, as the UK Delegation suggested, it could provide an opportunity to terminate CTB obligations and resume testing if serious stockpile reliability problems developed. U.S. Delegation believes that UK proposal could well be desirable option to pursue and feels that it should be given careful consideration during the recess.

15. Conclusion. Despite their cautious and inadequate position on verification, we have no reason to think that the Soviets are interested in relaxing the pace of the negotiations. In fact, by providing us a preview of their position on duration and PNE linkage and by giving us their draft separate agreement immediately before the recess, Morokhov has conveyed the impression that at least the leadership of the Soviet Delegation is determined to move ahead and even accelerate the pace.

16. Morokhov has told us privately several times that, if verification can be solved, the other issues will fall into place easily and quickly. We question how easily and quickly that might be. But at the present time, we can agree with his assessment that verification, especially the question of internal seismic installations, holds the key to prospects for achieving a treaty at an early date.

17. A caveat is necessary, however, on the permitted nuclear experiments issue. In accordance with instructions, we have not raised the issue with the Soviets. Early in the round, the Soviet deputy mentioned to U.S. Alt Rep that the issue could cause difficulties for our two countries. In the course of an informal conversation March 9 on the detection capabilities of ISIs, Morokhov said that the USSR "would not do nuclear experiments" under what he believed to be the current detection threshold using NTM (one-half of a kiloton). Recently, Timerbaev asked UK Dep Rep Edmonds when we would get to the issue raised in the first paragraph of the U.S. December 7 working paper (i.e., definitions). He said that the three Delegations should be able to handle that matter the way we did at the NPT Review Conference (when a certain type of laser fusion research was interpreted as not falling within the scope of the NPT).<sup>6</sup>

18. It is quite possible that the Soviets have simply not figured that the permitted experiments might not be confined to activities like laser fusion research. In fact, we have no idea of how the Soviets would react to the range of options that we have considered in the course of the re-

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<sup>6</sup> No further information was found.

view. Therefore, when we say that verification is the principal remaining stumbling block, this necessarily leaves out of account the permitted experiments question. We currently have no way to predict whether this question, depending on the option chosen, will become a serious complicating and delaying factor in the negotiations.

Warnke

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## 190. Summary of Conclusions of a Special Coordination Committee and Presidential Review Committee Meeting<sup>1</sup>

Washington, March 23, 1978

### SUBJECT

CTB: Stockpile Reliability and Permitted Experiments

### PARTICIPANTS

#### *State*

Cyrus Vance  
Leslie Gelb Director, Bureau of  
Politico-Military Affairs

#### *Defense*

Harold Brown  
David McGiffert Asst Sec for  
International Security Affairs  
Gerald Johnson

#### *Energy*

Secretary James Schlesinger  
Donald Kerr Acting Asst Sec for  
Defense Programs

#### *JCS*

Admiral James Holloway Acting  
Chairman, JCS  
Maj Gen Edward Giller JCS Rep  
CTB

#### *CIA*

Sayer Stevens Dep Dir, National  
Foreign Assessment Center  
[*name not declassified*] Chief,  
Nuclear Energy Division, OSI

#### *White House*

Zbigniew Brzezinski  
NSC  
Reginald Bartholomew  
Benjamin Huberman

#### *OSTP*

Frank Press  
John Marcum

The purpose of the meeting was to discuss the issue of stockpile reliability and whether some continued testing should be permitted under a CTB. At the opening of the meeting Dr. Brzezinski explained

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 92, SCC 066, CTB, Stockpile Reliability Experiment: 3/23/78. Secret. The meeting took place in the White House Situation Room.

that due to activities connected with the meeting between President Carter and Prime Minister Begin,<sup>2</sup> this meeting needed to be terminated at about 6:15 p.m. Consequently, he stated that this meeting would be used to vent the issues and get some sense of the position of the participants, without trying to resolve the issue.

At Dr. Brzezinski's request, Frank Press reviewed the findings of a distinguished panel of outside experts he had convened to consider this issue. He explained that although they had concurred in the Panel's report,<sup>3</sup> along with the other members, the directors of our nuclear weapons design laboratories had subsequently written him to reinforce their concerns that some testing would be needed eventually to maintain confidence in the reliability of our nuclear weapons stockpile.

On verification, he explained that the Panel felt that verification capabilities using internal seismic stations may be considerably better than originally expected, but he cautioned that these results seem almost "too good to be true" and proposed that they be thoroughly reviewed by an appropriate OSTP panel before being adopted.

Secretary Brown commented that in any event, it was just a matter of time before our capability is that good. Dr. Press agreed, and noted that seismic arrays would be particularly helpful in improving our capability.

Dr. Press then discussed the problem of stockpile reliability. He noted that all Panel members agreed that we could maintain the present level of confidence for five years without testing and that there would be some decline in reliability in the long term, with divergent views as to how rapid the decline would be. He reviewed the Panel's comments on the three options under consideration by the SCC Working Group<sup>4</sup> and noted that it saw considerable value in a more than routine review conference at the end of five years which could consider stockpile reliability along with other problems such as PNEs

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<sup>2</sup> Begin and Carter met in Washington on March 21 and 22. See *Foreign Relations*, 1977-1980, vol. VIII, Arab-Israeli Dispute, January 1977-August 1978, Documents 232 and 234.

<sup>3</sup> Not found.

<sup>4</sup> Marcum, Huberman, and Bartholomew summarized the three options in a March 21 memorandum to Brzezinski. Option one "would ban all testing and rely on self-regulation to determine whether some testing at very low levels such as one point safety tests might be permitted." Option two "would augment this approach with a review conference at the end of a specified period to consider stockpile reliability along with other problems such as testing by France and China, and provide for withdrawal if necessary at a lower cost than invoking the supreme national interest clause." The third option "would explicitly permit testing under one of a number of sub-options such as delay of entry into force, annual quotas, or a yield ceiling ranging from a few tons to a few kilotons." (Carter Library, National Security Council, Institutional Files, Box 92, SCC 066, CTB, Stockpile Reliability Experiment: 3/23/78)

and testing by other states which affect the future of a CTB. Secretary Vance wondered whether we would know how much degradation had occurred after five years. Secretary Brown responded that this was a new challenge since in the past there had never been a time when new weapons were not under constant development; he felt that the issue was one of confidence and not real decline. Dr. Brzezinski observed that we would not know how rapid the decline would be; Dr. Press agreed, noting there would be some decline but that the rate would be uncertain.

Dr. Press discussed the Panel's finding that to maintain the present level of confidence in stockpile reliability in the long term, testing at 3 KT would be needed. It was recognized that this would be viewed as a threshold ban rather than a CTB and could undermine our political objectives. The Panel did not think the marginal reduction in political price in reducing the testing threshold from 3 KT to 300 tons would be worth the loss in technical utility of the threshold.

Secretary Brown stated that he differed somewhat from this conclusion noting that we might in time learn how to more effectively utilize testing at a level as low as 100 tons. Secretary Vance inquired whether a 3 KT threshold would permit development of new weapons. Dr. Press responded that a 3 KT threshold would eliminate development of strategic warheads, that some tactical warheads might be developed although this would be of uncertain importance, and that 3 KT might permit development of weapons by current non-nuclear weapons states. In response to a question from Secretary Schlesinger, Dr. Press discussed the difference between our seismic detection and identification thresholds, noting that they occasionally differ by up to a factor of two.

Secretary Brown commented that stockpile reliability would obviously be a key issue in Senate ratification and that possible disparities would also receive a lot of play since there was clearly a verification threshold of the order of a [*less than 1 line not declassified*] He argued that we should think further about the non-proliferation impact of a less than comprehensive treaty and be prepared in the context of ratification to address how much various kinds of treaties would help our non-proliferation efforts.

Secretary Brown then commented on the three options noting that option A (CTB with self-regulation) would be most helpful for non-proliferation and probably is negotiable, but it could be said that the disparity is greatest in this option. In thinking about option B (review conference), he wondered whether the Soviets had originally expected they could use PNEs to solve the stockpile reliability problem. He noted that PNEs would be a possible way out for us as well, but that the Indians might be able to take advantage of this option. He agreed

that there were a number of issues which favored the five year/review conference approach but he was concerned that the political threshold against resuming testing would be high. With regard to option C (provision for continued testing) Secretary Brown noted that it included a possible phase out approach. He again mentioned that testing at 100 tons might be interesting and also suggested also that we might consider contained experiments in laboratory facilities, but expressed concern that this could lead to a containment race. Dr. Press commented that the Panel was very skeptical of the utility of a threshold as low as 100 tons and Secretary Brown agreed that there was considerable uncertainty as to its effectiveness.

Dr. Brzezinski, noting that time was short, asked Paul Warnke for his views. Warnke declined to comment on the technical issues but noted there were strong international as well as Soviet expectations that we were seeking a genuine CTB. He agreed that if we could not afford the risks, we should move to option B. He argued that option C would be perceived internationally as a threshold ban rather than a CTB and would have very little value. Consequently, he believed that we should abandon the negotiations rather than adopt option C. Dr. Brzezinski observed that the President's commitment to a CTB was very clear and that an absolutely compelling national security argument would be required for him to adopt option C.

Secretary Schlesinger noted that while we were on record as supporting verifiable arms control agreements, the Panel had stated we would be able *[less than 1 line not declassified]* He was concerned that the lack of verification below this level might be unacceptable to Congress. Secretary Brown and others noted that we had never insisted on absolute verification but have always been careful to speak in terms of its adequacy and of the significance of any possible evasion.

Secretary Schlesinger's second concern was whether the weapons laboratories would be able to continue certification of performance of our stockpiled weapons; he noted that without testing *[less than 1 line not declassified]* they might not be able to do so. He commented that this might not be in our security interest and that the reaction could be very severe if we tell Congress that we cannot verify and certify. He argued that the non-proliferation issue could cut both ways—some countries might develop nuclear weapons if they lost confidence in our deterrent.

Dr. Brzezinski noted that stockpile degradation would be troublesome if the Soviets could maintain their confidence by cheating while ours declined; however, if the decline in stockpile reliability was about the same on both sides, there would not be any political problem. Therefore he thought that enhanced verification could be important in this regard and wondered whether we should review possible enhancement measures. After some discussion, Secretary Brown noted

that while some improvements were under consideration, it was unlikely that we could push the verification threshold [*less than 1 line not declassified*]

Secretary Vance then commented briefly on the options, noting that he could support the review conference approach but that he agreed with Paul Warnke that we should get out of the negotiations rather than adopt any provision for continued testing. After some discussion on the degree of redundancy in warheads for our current strategic systems, the meeting adjourned at about 6:20 p.m.

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### 191. Memorandum of Conversation<sup>1</sup>

Washington, April 17, 1978, 2:27–2:47 p.m.

#### SUBJECT

Summary of Telephone Conversation between the President and Prime Minister Callaghan

The following is a paraphrase of the conversation:

[Omitted here is discussion unrelated to a comprehensive test ban.]

*Callaghan:* May I raise the Comprehensive Test Ban for just a moment. Your experts and ours as well, I understand, are now saying that we will need a few controlled explosions once the treaty has gone into effect, in order to verify existing stockpiles. I hope you will look into that. I would need a lot of convincing that it made sense.

*The President:* There had been discussion here that perhaps after two, three, or four years, after the expiration of the treaty, then there might be a need for some explosions. But to have them during the treaty would short-circuit the basic thrust of the treaty.

*Callaghan:* Yes, I feel that way very strongly. But the experts are convinced that some explosions are necessary. What will be necessary is a political decision, and we will have to assess the risks.

*The President:* This question has not been brought to me. I know that Jim Schlesinger, who heads the Energy Department and is respon-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 36, Memcons: President: 4/78. Secret; Sensitive. Carter spoke with Callaghan by phone from the Oval Office. The memorandum is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXVII, Western Europe.

sible for these matters, has been concerned, from his time as Secretary of Defense. But Harold Brown has been willing to forego explosive tests during the time of the agreement. We have discussed the possibility of mutual monitoring after the agreement for a few tests.

*Callaghan:* That would be after the treaty expired.

*The President:* Yes. If I find something more on the technical issues, I'll tell you.

*Callaghan:* Thank you. I mentioned the issue to Harold Brown. If we did have to include some explosions in an agreement, no one would think we were very serious about a test ban.

*The President:* I'll follow the issue. It's always good to hear from you, Jim. Please give my best to Audrey.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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## **192. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, April 18, 1978

### **SUBJECT**

Additional Information Items

### *CTB and Stockpile Reliability*

As I alerted you last week,<sup>2</sup> there is growing opposition within Defense and Energy to a CTB and for the first time Harold Brown, whose active support would be essential in ratification efforts, is seriously wavering in his support for this objective.

As you will recall, the Chiefs pointed out in previous discussions with you<sup>3</sup> their concern that we may be unable to maintain confidence in our nuclear weapons stockpile under a CTB and that the Soviets could maintain confidence in their weapons through clandestine

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 1-2/78. Secret. Carter initialed the memorandum. Above Carter's initial, an unknown hand wrote "Cy sent to Marcum 4/19."

<sup>2</sup> Not found.

<sup>3</sup> Not found.



testing. Harold also sent me a signed memorandum<sup>4</sup> which concludes that without testing, stockpile reliability can be maintained adequately for awhile, but there would eventually be accelerating erosion possibly down to a very low level. Harold's study presented several options to mitigate this problem ranging from threshold treaties to gradual phaseouts of testing; all would involve continued testing at least at one KT or higher for several years.

In addition to a special study by Frank Press<sup>5</sup> of this issue which included the directors of our weapons labs, and a special meeting of the SCC,<sup>6</sup> Cy and I met with Harold privately.<sup>7</sup> We urged him to tentatively accept the idea of guarding against long-term stockpile problems by having a review conference after five years to determine whether the treaty should continue. This would probably be negotiable since Soviet concerns about PNEs and testing by France and China could be met in the same manner. The British raised this same thought with me during the Callaghan visit, and we have now received a formal paper from their government proposing this approach.<sup>8</sup>

However, Harold is concerned that at the time of the review conference there would be a high political threshold against resuming testing, and he would not agree to have the Working Group examine the modalities of this approach unless it also considered his options for continued testing. As a result, we agreed that Harold would think further about the issue and that we would continue the discussion after his trip. Cy and I will follow-up on this as soon as we all are in town, but Harold may not yield.

Thus, at some point it may be necessary for you to meet privately with Harold to remind him that he supported a CTB as being in our national interest in discussions with you prior to your inauguration, and last Spring, during the PRM-16 review. Harold's position is clearly central—with his support we can use the SCC process to get Jim Schlesinger and the Chiefs to reluctantly go along.

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<sup>4</sup> See Document 188.

<sup>5</sup> Not found.

<sup>6</sup> See Document 190.

<sup>7</sup> No minutes for this discussion were found.

<sup>8</sup> The UK Government delivered a paper to the Department of State on April 11 that formally proposed "a treaty of limited duration, preferably of 5 years, without accepting any commitment about the future of the test ban thereafter." The text of the paper is in telegram 93541 to London, April 12. (National Archives, RG 59, Central Foreign Policy File, P840163–0161) At the bottom of the page, Carter wrote "Callaghan & I discussed this. Will resist moves to test during agreement period." See Document 191.

I have prepared a background paper on the technical aspects of this issue which I will provide separately if you want it.<sup>9</sup>

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<sup>9</sup> Under this paragraph, Carter wrote "hold for later."

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**193. Memorandum From the Chairman of the Joint Chiefs of Staff (Jones) to Secretary of Defense Brown<sup>1</sup>**

JCSM-119-78

Washington, April 18, 1978

SUBJECT

Comprehensive Test Ban (U)

1. (S) On 1 March 1977, the Joint Chiefs of Staff provided<sup>2</sup> their views regarding a Comprehensive Test Ban (CTB) and possible negotiations with the Soviet Union.<sup>3</sup> These views have not changed. In light of the initiation of formal trilateral negotiations last October and the ongoing interagency studies, the Joint Chiefs of Staff believe it appropriate to address a matter of principal concern—maintenance of, and confidence in, the US nuclear deterrent posture under a CTB.

2. (S) The Joint Chiefs of Staff continue to believe that a complete ban on all nuclear testing is not in the best interest of the United States. They believe any test ban must specifically provide for adequate nuclear testing in order to:

a. Maintain high confidence in the reliability of US nuclear weapons and hence confidence in the US nuclear deterrent.

b. Avoid undesirable asymmetries which are otherwise likely to result due to the inability of the United States to verify compliance with the test ban.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-81-0202, Box 53, A-400.112 TEST BAN (1 Jan-15 Mar) 1978. Secret. Brown forwarded this memorandum to Carter under cover of an April 22 memorandum. (Ibid.) To the right of the date, Brown wrote "4/20 Walt Slocombe—I think a formal transmission of these views and explicit drawing of attention to expectation JCS will not support options A or B version of CTB in ratification is needed. HB."

<sup>2</sup> Reference: JCSM-52-77, 1 March 1977, "Comprehensive Test Ban Issues (U)." [Footnote is in the original.]

<sup>3</sup> See Document 148.

3. (S) To assure high confidence in the nuclear deterrent, certain minimum nuclear testing requirements must be fulfilled. These requirements include:

- a. Identifying and correcting reliability and potential safety problems in existing nuclear weapons.
- b. Replacing nuclear weapons reaching the end of their stockpile life.
- c. Adapting existing warhead designs to new delivery systems with high confidence.
- d. Incorporating into existing warheads systems to enhance safety, security, and command and control.
- e. [2½ lines not declassified]

These minimum requirements should be able to be fulfilled at the level of testing necessary to assure confidence in nuclear stockpile reliability.

4. (S) At the Special Coordination Committee meeting of 22 March 1978, three options were discussed which might be applied under a CTB regime.<sup>4</sup>

- a. *Option A—Self-Regulation*. This option would ban testing without defining what activities were permitted or precluded.
- b. *Option B—Periodic Treaty Review*. This option would also ban testing but would include explicit provision for periodic review with the understanding that serious problems with the US stockpile could prompt action to seek treaty amendments to allow limited testing.
- c. *Option C—Provision for Continued Testing*. This option would allow some nuclear tests limited by yield, number of tests, agreed phaseout period, or date of entry into force.

The Self-Regulation and Periodic Treaty Review options, which would preclude necessary weapons testing, would contribute to long-term strategic instability because the United States would be unable to meet the criteria stated in paragraph 2 above. Further, the Periodic Treaty Review option, by deferring the question of testing, might place the United States in an unacceptable position should the need arise to seek treaty amendment. The political consequences of seeking treaty amendment, or failing that, unilateral abrogation of the treaty, are such that the United States might find itself in the position of having to accept a high military risk. The Appendix provides additional discussion of the Periodic Treaty Review option.

5. (S) The Joint Chiefs of Staff conclude that continued testing is essential to maintain the US nuclear deterrent posture. Therefore, they cannot support a test ban which:

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<sup>4</sup> See footnote 4, Document 190.

- a. Does not specifically provide for the degree of testing necessary to maintain confidence in stockpile reliability.
- b. Could lead to asymmetries because of the inability of the United States to verify compliance.

The Joint Chiefs of Staff reserve judgment on the numbers of tests and yields required pending further technical review and consideration of a Department of Energy position on these questions.

6. (U) The Joint Chiefs of Staff request that you support their views and that you also convey these views to the President prior to his decision on the negotiating position for the next round. In this connection, a decision should be reached as a matter of urgency since the level of testing could impact significantly on the US approach to verification and peaceful nuclear explosion issues.

For the Joint Chiefs of Staff:

**David C. Jones**  
*Acting Chairman*  
*Joint Chiefs of Staff*

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**194. Memorandum From Robert Hunter of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 3, 1978

SUBJECT

Your meeting with British Ambassador Jay, April 21, 12:10 to 12:35.

The following is a summary of the conversation:

*CTB*

Jay wanted to know how we are going to handle the problem of maintaining the reliability of nuclear stockpiles under a CTB. You indicated that there is not much to say right now, and that we are looking at three options: a 5-year review procedure, an exemption (i.e. a TTb), and one other. We are still on the same course as before, even though it is true that State and ACDA are for a CTB with a 5-year review. We will be looking at this matter intensively, and the President has been in-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Country Chron File, Box 15, Great Britain: 4-8/78. Secret; Sensitive.

formed of the issues. You also indicated that with some of the options, there in effect is no treaty—i.e. a CTB; and that we first have to know how severe the stockpile degrading problem is before determining whether to go to an option that is less politically significant. In response to Jay's question about the value of a CTB on vertical and horizontal proliferation, you indicated that there is a subjective judgment; but that you see the importance of a CTB as being more in terms of U.S.-Soviet relations than proliferation. Jay indicated the Prime Minister's concern about a CTB in terms of the Indian nuclear problem. You said that we are not approaching this issue as an excuse to back out of a CTB—although there are some people in the government who would use the issue in this way—but rather because there is a serious problem for review. We will move quickly, and within two weeks will be giving it close attention. Because of the May 4 resumption of the CTB talks, we should have a meeting here next week on the issue. There is a large number of unknowns—including on our own needs. Jay said that we understand the UK position on this.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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**195. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, April 28, 1978

SUBJECT

Likely Timing on the Comprehensive Test Ban

The Comprehensive Test Ban Treaty negotiations with the U.S.S.R. and the U.K. will resume on May 4. Although progress was made at the last round—nine weeks ending on March 21—it is probable that the tri-lateral negotiations will continue through the summer. Because it is expected that the product of these negotiations will then be sent to the Conference of the Committee on Disarmament in Geneva for its consid-

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Paul C. Warnke Files, December 1974–July 1979, Accession #383–98–0154, Box 1, Memoranda to the President Regarding SALT, Cruise Missiles, CTB, NPT, and Indian Ocean Arms Control, January–October 1978. Secret. In the upper right-hand corner of the memorandum, Carter wrote “I would like to expedite—Let Soviets know this. J.”

eration, it is unlikely that a treaty could be completed before the end of this year.<sup>2</sup>

This prognosis is based largely on the fact that, although accepting the principle of internal seismic installations to be located on Soviet and U.S. territory, the Soviet side is moving very slowly in negotiating the specifications of the seismic equipment, the procedures to ensure authentication of the data and the nature of involvement of non-Soviet personnel in the installation and repair of the equipment.

Also drawing out the negotiations is the Soviet resistance to agree in advance on the rights and functions of U.S. personnel who would conduct on-site inspections in the Soviet Union.

These verification matters will be included in a separate agreement between the United States and the Soviet Union with which the United Kingdom would associate itself. Satisfactory provisions in this regard are, in my opinion, essential to the verifiability of a Comprehensive Test Ban Treaty.

Somewhat unexpectedly, the other major problems—precluding peaceful nuclear explosions unless the U.S. agrees to their conduct and making treaty duration not depend on Chinese and French participation—seem susceptible of resolution without undue difficulty. While voicing general agreement in principle with our positions on these questions, however, the Soviet side is reluctant to address duration and the PNE moratorium conclusively until the verification issues have been settled.

The Soviet Delegation appears to have strong military and intelligence components and there is considerable suspicion expressed about the purpose and functioning of our proposed equipment and procedures for the internal seismic installations. As I see it, therefore, the negotiations on these verification problems will be technical, detailed, and protracted.

**Paul C. Warnke<sup>3</sup>**

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<sup>2</sup> In the right margin, Carter bracketed the portion of this sentence that reads "Because it is expected that the product of these negotiations will then be sent to the Conference of the Committee on Disarmament in Geneva for its consideration" and wrote "why?"

<sup>3</sup> Warnke signed the memorandum "Paul."

**196. Memorandum From Secretary of Energy Schlesinger to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 2, 1978

SUBJECT

COMPREHENSIVE TEST BAN CONCERNS

As we have discussed previously, I believe agreement must be reached within the Executive Branch on a U.S. negotiating position for a Comprehensive Test Ban that permits us to protect vital national security interests and that offers a realistic prospect of winning Senate ratification.

Such a negotiating position must meet four central concerns:

1. Ensuring our ability to certify and maintain the U.S. nuclear stockpile;
2. Ensuring verification provisions that give the U.S. high confidence assurance of compliance by the Soviets;
3. Maintaining a linkage between permitted experiments, verification, and Peaceful Nuclear Explosives; and
4. Ensuring that compliance provisions of the agreement on the previous three issues improve, rather than complicate, U.S.-Soviet relations on arms control issues.

I am concerned that we have been unable to reach a consensus on these issues, and that if we do not, the ability of the Administration to win Senate ratification may be significantly lessened. In the present climate—with controversy growing regarding SALT, and in the wake of the neutron warhead deferral and the B-1 cancellation—the Administration must ensure that stockpile risks are minimized, and that verification and compliance prospects are improved as a result of any such treaty if we are to hope for ratification. Each of these major issues is discussed further below.

1. The nuclear weapons designers within the laboratories and the Department of Energy believe that the DOE requires some level of testing in order to identify stockpile problems and certify the adequacy of fixes. Some level of testing would be required as well to implement necessary changes in safety, security, and command/control, and to adapt older designs to new delivery systems entering the inventory.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, James Schlesinger Papers, Subject File, Box 2, Energy Department, Comprehensive Nuclear Test Ban, General, 1978 May. Secret.

While we know little in detail of the Soviet weapons program, what we do know suggests that the Soviet nuclear stockpile would not suffer to the same degree nor degrade as rapidly as ours.

We maintain this view strongly and are disappointed that the interagency process thus far has seemed unwilling to accommodate this position.

2. The adequacy of seismic verification is one of the most difficult subjects we must face in the CTB area—and one of the most important for both acceptance of the Treaty and preventing the development of major asymmetries.

DOE believes that even with the optimal level of Internal Seismic Installations (ISIs), we will remain unable to both detect and *identify* events below the few kiloton level in low coupling media. Without the optimal level of ISIs, even this capability would be significantly degraded. DOE representatives have discussed my concerns with Dr. Press about the OSTP/CTB Review Panel Report, and he has agreed to look into this matter.<sup>2</sup>

3. In addition, I believe it is essential to our deliberations, as well as being a sound negotiating strategy, that we maintain the linkage between permitted experiments, verification, and Peaceful Nuclear Explosives. It would be unwise to attempt to resolve the verification issues relating to the number and type of ISIs and On-Site Inspections (OSIs) without first addressing the issue of permitted experiments—since these two categories of problems are related intimately to the level that can be adequately verified. Further, to resolve these problems by decoupling them from PNEs would seem to give away any leverage we might have with the Soviets for our desired outcome on prohibiting PNEs. I am aware, of course, that the Soviets have told us privately that if these other issues are resolved, we can settle the PNE questions without difficulty; but we must assume that this is a Soviet negotiating tactic that may not well serve our interests.

Unfortunately, this essential linkage is not considered in the 17 April ACDA paper requested by the National Security Council on the ISI strategy for the 4 May resumption of negotiations. This paper treats ISIs independently of other key treaty issues, and recommends the negotiation of a questionable phased approach based upon resolving the details of our verification capabilities in a Joint Consultative Commission after completion of the basic agreement and its entry into force.

4. A CTB agreement must not only meet objective tests of adequate verifiability but, perhaps most importantly, must lower rather than

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<sup>2</sup> No record of these discussions were found.



raise the level of tensions inherent in public perceptions of the U.S./Soviet competition.

In this regard, our experience in dealing with contentious compliance issues arising from the ABM Treaty and with the Interim Agreement must be kept in mind as we proceed with the CTB negotiations. This experience should caution us against what seem to be easy ways of resolving sticky negotiating problems at the expense of future serious compliance problems. For example, as we attempt to drive down the detection threshold, we will inevitably increase the number of detected but unidentified, and therefore ambiguous, events that must be resolved with the Soviets. If our experience in SALT is any guide, the sheer number of such ambiguous incidents could complicate both the compliance process and the U.S. public perception of Soviet attitudes toward serious arms control agreements.

Finally, in attempting to reach consensus on the substance of major issues, I am concerned that the interagency process must be rationalized and strengthened to ensure objective consideration of sometimes differing views. These difficult issues must be faced squarely now, and an integrated U.S. position and strategy based on balanced inputs must be developed. This may require more diligence on everyone's part to ensure that balance is reflected. I stand ready to cooperate in that process, and would be pleased to discuss the issues raised in this memo with you more fully.

## 197. Summary of Conclusions of a Special Coordination Committee and Presidential Review Committee Meeting<sup>1</sup>

Washington, May 2, 1978, 2:30–3:50 p.m.

### SUBJECT

CTB—Stockpile Reliability and Permitted Experiments

### PARTICIPANTS

<i>State</i>	<i>White House</i>
Cyrus Vance	Zbigniew Brzezinski
Jerome Kahan Dep Dir, Bureau of Politico-Military Affairs	NSC
<i>Defense</i>	Reginald Bartholomew
Harold Brown	Benjamin Huberman
David McGiffert Asst Sec for International Security Affairs	OSTP
	Frank Press
	John Marcum
<i>Energy</i>	CIA
Donald Kerr Acting Asst Sec for Defense Programs	Stan Turner
	Sayer Stevens Dep Dir, National Foreign Assessment Center
JCS	
General David Jones Acting Chairman, JCS	
Maj Gen Edward Giller JCS Rep	
CTB	

The purpose of the meeting was to continue discussion of the issue of stockpile reliability and permitted experiments under a CTB. The discussions focused on a treaty of fixed duration as proposed by the British, and whether this would strike a better balance between military risks and foreign policy objectives than a treaty of indefinite duration.

In discussion of the fixed duration approach, there was general agreement that it should include a strong safeguards program, a requirement for Senate ratification of any extension, and a review conference in the fifth year to consider the future of the treaty. There was disagreement, however, on whether the term of the treaty should be three rather than five years, whether we should declare our intention to resume testing after five years or just preserve the option to do so if necessary, and the level of permitted experiments.

Defense and Energy generally argued in favor of a plan rather than option to resume testing. Secretary Brown noted that this would reduce problems in retaining laboratory personnel and would be more accept-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 93, SCC 071, CTB, Permitted Experiments/Reliability: 5/2/78. Secret. The meeting took place in the White House Situation Room.

able on the Hill. In effect it would shift the burden of proof to those favoring extension of the treaty rather than those favoring resumption of testing. Defense and Energy also preferred the shorter term, but in response to Dr. Brzezinski's query agreed that they could "live with" a five year term under a plan to resume. State and ACDA were concerned, however, that a declaration that we planned to resume testing could seriously undermine the non-proliferation benefits of the treaty although they acknowledged that this might be mitigated through careful wording of the statement. They were also concerned that a duration of three rather than five years would be viewed as an insufficient commitment and that the Soviets might refuse to let us install internal seismic stations during this period.

The permitted experiments issue was discussed at some length and JCS and Energy reasserted their views that experiments at three to five kilotons would be adequate for solving reliability problems. There was agreement, however, that permitted experiments even at very low levels (a few pounds or tons) would be useful for maintaining the laboratories and help resolve stockpile problems.

In the course of the meeting all, except JCS, agreed that they could support a fixed duration treaty with some concerns as noted above on the term of the treaty and the wording of the assurance regarding resumption of testing. General Jones indicated that in the JCS view a CTB was not in the US interest at this time due to concern about the adequacy of verification and the opinion of the weapons laboratory directors that they could not maintain adequate confidence in the reliability of our stockpile without testing.

General Jones acknowledged that the laboratory director's comment was based on an indefinite duration treaty and it was agreed that the NSC would ask for their views on a fixed duration treaty with assurances and variations as noted above. Dr. Brzezinski concluded the meeting with the statement that we would summarize the issues for the President either asking for a meeting or his preliminary guidance on the issues (with a reclama session, if needed).

**198. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, May 10, 1978

SUBJECT

CTB

In an SCC meeting last week all of your advisers, except for the JCS, agreed to support a fixed, five-year duration treaty as proposed to you by Jim Callaghan,<sup>2</sup> subject to your support for a strong safeguards plan, Senate ratification of any extension of the treaty, and your assurance that any necessary testing would be carried out after five years. (Summary of Conclusions is attached.)<sup>3</sup> This memorandum includes a brief discussion of the JCS views and of the substantive issues which you may want to decide following your luncheon discussion with the Chiefs today.

In explaining the Chiefs' opposition, Dave Jones stated that in addition to concerns about verification, the Chiefs relied heavily on technical judgment of the laboratories that they could not adequately maintain the reliability of our weapons without testing at 3 to 5 KT. He acknowledged that the laboratory directors had commented only on an indefinite duration treaty, and it was agreed that we would ask for their views on a fixed duration treaty before proceeding further.

We subsequently obtained their comments—Harold Agnew's is polemical in nature and negative towards your CTB objective; Roger Batzel's is more responsive and acknowledges that a fixed duration approach would help in meeting his concerns, but maintains that testing at 3 to 5 KT would be needed eventually. Taken together, these comments do not provide much flexibility for the Chiefs, and they are likely to continue to oppose the fixed duration approach during your luncheon discussion tomorrow.

As a result, we will need your guidance on several issues in the near future. The most important issue is whether we should seek a 3 to 5 KT threshold treaty, as the Chiefs prefer, or a fixed duration CTB. If you prefer the latter,<sup>4</sup> you will also need to decide whether the duration should be 3 or 5 years, the level of experiments that would be per-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 93, SCC 071, CTB, Permitted Experiments/Reliability: 5/2/78. Secret. Sent for action. Carter initialed the memorandum.

<sup>2</sup> See Document 191.

<sup>3</sup> See Document 197.

<sup>4</sup> Carter underlined the words "a fixed duration CTB."

mitted, and whether your assurance regarding resumption of testing should constitute a *plan* to resume testing after five years, or just the *option* to do so. You may want to make these decisions following your luncheon with the Chiefs. However, if you decide to overrule them, I recommend that you defer decision until after an NSC meeting, to ensure for the record that they have had an opportunity to formally present their views.

\_\_\_\_\_ Schedule NSC Meeting.

\_\_\_\_\_ Make decision after luncheon.<sup>5</sup>

*Fixed Duration vs. 3 to 5 KT Threshold*

A 3 to 5 KT threshold would be more consistent with verification capabilities and stockpile reliability needs, but eliminating risks in these areas would seriously erode potential benefits of a CTB to non-proliferation and our relations with the Soviets, and would be viewed as a significant departure from your public commitment to halting testing. The threshold treaty would have smoother sailing during ratification hearings, and the Chiefs' views would carry a lot of weight, but with Harold's and Jim Schlesinger's support, a fixed duration treaty would probably be ratified after a difficult struggle. I believe that the fixed duration approach is adequately protective of our security interests and more consistent with your political objectives, and recommend that you authorize us to propose it in the negotiations.<sup>6</sup>

*3 vs. 5 Year Duration*

Harold and Kerr (speaking for DOE) have specifically agreed that they could live with a five-year duration, but both would prefer three years, arguing that this would make it easier to keep the laboratories together. They recognize, however, that the shorter duration might be criticized by non-nuclear weapons states as an insufficient commitment, and could jeopardize prospects for installing an effective network of internal seismic stations. In addition, the preponderant technical judgment is that we can maintain reliability without testing for at least five years. We may have to consider a 3-year duration eventually since the Soviets may see this as a means of exerting more pressure on China; however, I recommend that you authorize the five-year duration as our initial position.<sup>7</sup>

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<sup>5</sup> Carter checked the "Make decision after luncheon" option.

<sup>6</sup> Carter checked the "Approve" option.

<sup>7</sup> Carter underlined the words "five-year duration" and checked the "Approve" option.

*Permitted Experiments/Safeguards*

An important issue in developing a safeguards plan under the fixed duration approach is whether low-level experiments should be permitted in addition to related work in laser fusion and other areas. From a technical standpoint, tests at a few pounds or tons of yield are unlikely to help much with reliability problems, but can be useful for safety and weapons effect purposes, and would definitely assist in maintaining the laboratory infrastructure. [4 lines not declassified] However, low-level testing (a few pounds to a few tons) can be defended on safety and safeguards grounds, and I recommend that you authorize us to include such experiments in the safeguards plan which we are developing for your review.<sup>8</sup>

*Plan or Option to Resume Testing*

Harold and Jim would prefer that you announce that you plan to resume testing after five years for reliability purposes. This would make the opportunity to resume more credible on the Hill and shift the burden of proof to those favoring extension of the test ban from those favoring resumption of testing. Cy and Paul prefer a weaker assurance that you would carry out any test that might be necessary, but agree that with careful wording the stronger form might be acceptable. For example, you could state your intention to resume testing unless a vigorous safeguards program and studies in the interim indicated that this was not necessary. I recognize that this could undercut potential non-proliferation benefits, particularly in India, but a strong assurance from you would reassure the Chiefs and make it considerably easier for Harold and Jim to defend the treaty. Therefore, I recommend that you authorize us to use the strong form of the assurance as worded above.<sup>9</sup>

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<sup>8</sup> Carter checked the "Approve" option, wrote "minimal," and wrote "?" in the right-hand margin.

<sup>9</sup> Carter checked the "Approve" option.

**199. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, May 17, 1978, 1923Z

7606. Exdis USCTB. Pass to DOE. Subject: CTB Negotiations: Warnke-Petrosyants Meeting, May 16.

CTB Message No. 211

1. Summary. On May 16 Warnke met for first time with Petrosyants, new head of Soviet CTB Delegation. Warnke relayed to Petrosyants President Carter's personal view of importance of CTB and his desire to expedite negotiations. Tone of discussion was encouraging. Without seeking to diminish the difficulty of resolving remaining issues, Petrosyants conveyed very positive outlook on prospects for the negotiations. He laid the groundwork for one important step forward by indicating willingness to begin detailed discussion of agreed understanding on OSIs. End summary.

2. Warnke, accompanied by Johnson, Neidle and Finch, met at Soviet mission on May 16 with Petrosyants, accompanied by Timerbaev and Tarasov. Petrosyants opened substantive discussion with brief review of session to date, observing that US has submitted "quite a few interesting proposals." The Soviets are studying these and asking questions about them. They have received replies to some questions but not others, but this is "only natural" in view of the amount of material involved and its seriousness. Petrosyants observed that, in the process of negotiation, each side thinks it is the other which must change its positions.

3. Warnke began by reporting that President Carter had asked him to state to Petrosyants personally that the President wants to expedite the negotiations in whatever way he can, that he sees this as a most important matter, and is concerned that we can implement our nonproliferation policy only if we can show the world that the US and USSR can stop nuclear weapons testing.

4. Warnke then reviewed the highlights of the negotiations from their beginning, characterizing the Soviet move last year on PNEs as very constructive. He thought the Soviets would agree that US had made some very constructive steps also, in accepting the Soviet position that seismic stations on the territory of a country should be controlled by that country, and in connection with initiation of on-site inspections. On latter point, Warnke recalled that longstanding US

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780208–0615. Secret; Immediate; Exdis. Sent for information Priority to London and Moscow.

position had been to require mandatory on-site inspections. However, as result of negotiations during 1977, US had decided that it could accept Soviet approach of voluntariness subject to certain conditions, including agreement that OSI requests would not be refused on arbitrary basis.

5. Petrosyants suggested that our problem was to find mutually acceptable formulations. In this regard, the Soviet side felt that the formulation "arbitrary refusals" of on-site inspections—which the US had proposed for the agreed understanding—was not appropriate for documents such as this. The Soviet side might prefer a formulation such as "insufficiently substantiated refusals." Warnke indicated that we were prepared to consider alternative formulations and suggested that the political working group examine the draft language for the agreed understanding. Petrosyants agreed that this could be done—the first time the Soviets have been willing to consider the text of the agreed understanding.

6. Warnke commented that much progress had been made in the negotiations, although difficult issues remained. In particular, the task now with regard to national seismic stations is to work out specifics regarding equipment and procedures for their operation. Petrosyants inquired regarding the state of development of US equipment for national seismic stations. The Soviets did not want to buy a "pig-in-a-poke"; they needed to see detailed designs. Johnson indicated that equipment is in an advanced stage of development. We would make available design drawings but these would not be precise designs of the production model since further changes could be expected. Perhaps through their involvement before the designs were finalized, Soviet experts could offer useful suggestions. Petrosyants said that US proposal to use seismic equipment which it was currently developing, but which was not yet in production stage, was a cause of concern to the Soviets. He thought therefore we could develop some specific stages in establishing national seismic stations. The first stage would be based on the use of existing, operating seismic stations. The second stage would consist of improving these stations. The third would involve creation of seismic stations with outstanding characteristics as the US has proposed. This last stage would require establishing a new communications system and other details. It would involve a complex set of problems and would need considerable work which the joint consultative commission<sup>2</sup> would carry out.

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<sup>2</sup> Reference to the SALT Standing Consultative Commission created by the United States and the Soviet Union to consider issues of verification of arms limitation agreements. See *Foreign Relations*, 1969–1976, vol. XXXII, SALT I, 1969–1972.



7. Warnke responded by noting that, between our Delegations, we have assembled in Geneva an impressive collection of technical experts. We should use this expertise to solve as many problems now as we can rather than simply putting the hard problems off to the joint consultative commission. Petrosyants said, “this proposal is absolutely right. Let them solve the problems here as soon as they can, so they can go home and get back to their regular work.”

**Warnke**

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## **200. Presidential Directive/NSC–38<sup>1</sup>**

Washington, May 20, 1978

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Secretary of Energy  
The Director, Arms Control & Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence  
The Director, Office of Science and Technology Policy

SUBJECT

Comprehensive Test Ban (C)

The President has reviewed the recent deliberations of the SCC on the Comprehensive Test Ban (CTB) issues, and has reached the following conclusions.

a. In view of the importance of maintaining confidence in safety and reliability of our stockpiled nuclear weapons, the US should propose in the CTB negotiations that the treaty have a fixed, five year duration. The treaty would automatically terminate at the end of five years. During the fifth year there would be a review conference to determine whether to negotiate a replacement treaty.

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–81–0202, Box 53, A–400.112 TEST BAN (Apr–5 June) 1978. Secret. The Department of State forwarded the memorandum to the Mission in Geneva in telegram 134357, May 26; National Archives, RG 59, Central Foreign Policy File, P840128–2355.

b. In forwarding the treaty to the Senate for ratification the President has decided to state his intention to resume testing at the end of the five years limited only to weapons safety and reliability purposes unless a vigorous safeguards program and studies in the interim indicate that this is not necessary. He has also decided that any further agreement on testing limitations after the five year treaty would be presented to the Senate for ratification.

c. The President has decided that nuclear weapons experiments at minimal yield levels (a few pounds or somewhat higher) should be permitted under the CTB in addition to experiments in laser fusion and other related areas for civil energy purposes. He has also directed that the precise nature and yields of such experiments be detailed in a CTB Safeguards Plan by the SCC and forwarded for his review by June 30, 1978.

In connection with these decisions, the President has asked that the Soviets be informed of his desire to expedite the CTB negotiations. In this regard, the US Delegation should state that the fixed duration treaty proposal, coupled with our earlier historic shift on on-site inspection, represents major movement on the part of the US on issues of Soviet concern and that in return we expect Soviet movement in the direction of our positions on the remaining CTB verification issues.

**Zbigniew Brzezinski**

## 201. Memorandum of Conversation<sup>1</sup>

Washington, May 27, 1978, 8:00 a.m.–12:20 p.m.

### SUBJECTS

SALT, CTB, Africa, Human Rights

### U.S. PARTICIPANTS

President Jimmy Carter  
 Secretary of State Cyrus R. Vance  
 Secretary of Defense Harold Brown  
 Dr. Zbigniew Brzezinski  
 Ambassador Paul C. Warnke  
 Ambassador Malcolm Toon  
 Mr. David Aaron  
 Mr. Reginald Bartholomew  
 Mr. Hamilton Jordan  
 Mr. Jody Powell  
 Mr. Wm. D. Krimer, Interpreter

### USSR PARTICIPANTS

Foreign Minister A.A. Gromyko<sup>2</sup>  
 Ambassador A.F. Dobrynin  
 Deputy Foreign Minister G.M. Korniyenko  
 Ambassador V. Makarov  
 Minister Counselor A.A. Bessmertnykh  
 Mr. V.G. Komplektov  
 Mr. N.N. Detinov  
 Mr. V.M. Sukhodrev, Interpreter

[Omitted here is a discussion about SALT.]

### CTB

As for CTB, the President did not see any need for detailed discussion here of verification and other matters. He believed that one primary issue he and Gromyko might discuss was the duration of the agreement being negotiated. We would like to see it have a five-year term, and then renegotiate the agreement if both sides considered it advisable to enter into a new agreement. To be perfectly frank, we had concerns with our own nuclear arsenal which required<sup>3</sup> occasional

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Office, Outside the System File, Box 50, Chron: 5/78. Secret; Nodis. The meeting took place in the Cabinet Room at the White House. Drafted by Krimer. Printed from a draft that bears numerous handwritten edits. Bartholomew noted on the first page: "ZB: Krimer memcon with RB fixes. Reg." The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 115.

<sup>2</sup> Bartholomew underlined "Gromyko."

<sup>3</sup> Bartholomew put brackets around "which required" and wrote "and" in the margin above it.

testing in order to assure us that its capabilities were intact. We believed that five years was the maximum period of time we could go without some testing. He hoped that this would be satisfactory to the Soviet Union. As for the details<sup>4</sup> they could be left up to the negotiating teams.

Gromyko said that in the course of the negotiations encouraging progress had been achieved on this issue. There were still some unagreed questions—not many—including the question the President had just mentioned, i.e., the duration of a possible accord. He would ask the President to take into consideration some of the other outstanding matters involved in the CTB negotiations. Immediately prior to his departure from Moscow Gromyko had looked into the status of those negotiations and could say now that if the other issues can be resolved—and on some of them U.S. representatives had taken a very hard position—he believed that a positive solution could be found to the question of duration of the agreement.

The President asked Ambassador Warnke to touch on the other issues involved.

Ambassador Warnke said there appeared to be agreement in principle on the concepts of authenticated national seismic installations and on on-site inspections. Considerable differences still existed on the extent to which specific equipment to be used would be agreed upon at the present stage of the negotiations. There were also differences on the question of how on-site inspection would be carried out and what equipment would be permitted for that purpose.

The President said there was no need this morning to discuss the technical questions involved. He believed that one political question could be resolved, i. e., the length of the agreement. He thought that as termination of the agreement approached, negotiations could be held regarding extension of the agreement.<sup>5</sup> His position was that five years was a reasonable term. As termination approached, negotiations could be resumed.

Gromyko repeated that if the other questions could be resolved in a positive manner, if the President's negotiators would manifest greater flexibility, he did not think a five-year term would present any difficulties.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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<sup>4</sup> Bartholomew added "on compliance," after "details."

<sup>5</sup> Bartholomew added "or a new agreement" after "extension of the agreement."

**202. Memorandum From Secretary of Energy Schlesinger to President Carter<sup>1</sup>**

Washington, May 30, 1978

## SUBJECT

## CONTINUED DISCUSSION OF A ZERO-YIELD CTB

Let me continue our discussion, started on the trip from Knoxville,<sup>2</sup> regarding permitted experiments under the CTB by pursuing the points developed below.

1. Over many years the underlying thrust in weapons design has been to compensate for volumetric constraints and throw-weight limitations in the U.S. strategic program by developing highly compact, highly sophisticated weapons. Such high sophistication, as in other cases, results in some degree of technical risk. [7 lines not declassified]

2. *Why would previously tested and certified weapons need to be re-tested?* In the continued non-nuclear testing of weapons components, it turns out with some regularity that individual components fail or degrade. Even acceptable components may become unavailable as manufacturers shift product lines or go out of business. Materials are altered slightly or may (as with beryllium) be subject to more stringent regulation. The consequence is that *new* components or *different* materials have to be integrated into previously deployed weapons designs. Developing weapons remains to a considerable extent an art rather than a science. Weapons designs which seem appropriate, based on computer models, fail to work as predicted when actually tested.

[1 paragraph (16 lines) not declassified]

3. Readiness of material and men is of paramount concern to the military services. For this reason everything from radars to engines to missiles are regularly exercised to demonstrate that they will remain operationally ready. For there to be doubt about nuclear weapons reliability is vastly distressing to the Services. The notion that nuclear weapons might degrade over the years, and have attached to them

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 1–12/78. Secret; Restricted Data. In the upper right-hand corner of the memorandum, Carter wrote “Zbig—You & Jim set up a briefing with a lab director & me. a) I don’t know how device works & b) what Soviet position is on this issue. J.”

<sup>2</sup> No record of this conversation has been found. According to the President’s Daily Diary, Carter was in Tennessee on May 22 to speak to the Tennessee Valley Authority and to address a group of scientists at the Oak Ridge National Laboratory. (Carter Library, Presidential Materials)

lower confidence in reliability is disturbing both in military and political terms.

4. Even though we can detect nuclear detonations in hard rock down [*less than 1 line not declassified*] as a practical matter today [*1 line not declassified*] This is true if the Soviets make no effort to muffle or decouple weapons tests. The reasons are, first, that the Soviets can test in lower coupling media than hard rock. Second, for true verification we must be able, not only to *detect* seismic disturbances, but to *identify* such disturbances as nuclear detonations.

With an improved verification capability (a network of seismic arrays or stations located within the Soviet Union), [*1 line not declassified*] Even improved verification capability, however, creates problems. As our ability to *detect* improves, the number of ambiguous events will increase. Indeed, there will be several hundred such ambiguous events each year causing both (possibly undue) military alarm, but certainly political problems.

5. Aside from the technical and security aspect of a zero-yield test ban, the *interactions* between the non-verifiability of the prospective treaty and the potential non-certifiability of the stockpile will inevitably stir deep Congressional concern—in an atmosphere already stirred by other matters. The Administration has steadily pledged to sign no arms control agreement that cannot be adequately verified, though it has not in the case of the CTB yet stated what threshold is required for adequate verification. Recently, the Senate requested Mr. Warnke to address these concerns in assessing the verifiability of a CTB.<sup>3</sup> Given basic suspicion and the strained relations with the Soviet Union, it will be difficult to persuade the Senate to trust the Soviets to comply with the Treaty in [*1 line not declassified*]

One cannot, of course, decouple the verification issue from the permitted experiments issue. Thus, the prospect that over time the DoE would be unable to certify stockpile reliability will vastly reinforce that concern. [*2½ lines not declassified*] We, by contrast, would most assuredly not test, and thereby be forced to absorb whatever degradation in reliability occurs because of the unknowns. It will be pointed out that there is an undoubted asymmetry between ourselves and the Soviets in that they suffer less from throw-weight limitations, volumetric constraints, and the inherent sophistication that applies to our weapons.

When the partial test ban agreement was signed and approved in 1963, it could be stated that the burden of the agreement fell equally on both sides and the U.S. security position was improved. Given the problems of verification and certification—and the presumed asym-

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<sup>3</sup> Not found.

metry between ourselves and the Soviets—that conclusion cannot be readily drawn in the case of the zero-yield test ban. As a result Congressional resistance will be formidable and the arguments sharp. The Chiefs are already on record as opposing such a ban. The laboratories and DoE personnel will be obliged to elucidate the consequences for certification under such a ban. Leaving aside the military questions, the political consequences could hardly be worse.

6. Since (a) some testing will be required to maintain confidence in both weapons reliability and safety, and (b) very low or zero thresholds [*less than 1 line not declassified*] even under optimistic assumptions about Soviet agreement to on-site seismic detection, I urge you to consider the following course of action.

This alternative approach serves the national security interests of the United States and its allies, takes a reasonable step toward legitimate arms control (*no new weapons development*), and avoids a protracted and uncertain Congressional debate. The alternative is to indicate American willingness to accept drastic reduction in the presently proposed threshold test ban from 150 KT [*less than 1 line not declassified*] Such a level is consistent with our existing verification capabilities. Moreover, we should also indicate that, if the Soviets are prepared to allow a *network* of internal seismic stations or arrays, we could reduce that threshold [*less than 1 line not declassified*]

Such an approach would be consistent with both certification requirements and our present verification capabilities—and would also put pressure on the Soviets to allow improvements in those verification capabilities. A prudent approach of this sort on arms control would better serve the interests of the nation and would also have a higher chance of success.

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### 203. Memorandum From Secretary of Defense Brown to President Carter<sup>1</sup>

Washington, June 1, 1978

I attach a copy of a memorandum from the Joint Chiefs of Staff on (PD)/NSC–38, announcing your decisions as to the U.S. negotiating

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–81–0202, Box 53, A–400.112 TEST BAN (Apr–5 June) 1978. Secret. A handwritten “J” in the upper right-hand corner of the memorandum indicates Carter saw the document.

position on CTB. They have asked that I forward it to you, as an expression of their strongly held views. I believe that the JCS memorandum accurately identifies the technical and military factors involved. I agree with some, but not every one, of their evaluations.

A CTB involves some level of military risk. However, I believe that the probability that a CTB would adversely affect the reliability of the warheads for our important strategic systems is low enough during a three-year (or, less clearly, even a five-year) period so that for such a period the military risk in itself is acceptable. Of some weight also is the fact that we would become aware by continued stockpile inspection if a question of such reliability arises and, in principle, could invoke the supreme-national-interest withdrawal clause.

I emphasize that there would be a serious question of continued stockpile reliability on the U.S. side if there were an indefinite CTB.<sup>2</sup> The greatest risk, therefore, follows from the tendency of a limited-term agreement to be extended. The statement of intention to resume tests at the end of a limited-term in order to assure stockpile reliability can somewhat ameliorate that problem. But the pressure at the time of expiration to renew (and also pressure not to do so) will probably be very great despite anything we say now. Such a concern about extension is likely to be expressed by opponents during the ratification process. This aspect, in my judgment, makes the prospects for approval of a CTB substantially less favorable than those for SALT, and also less favorable the earlier a CTB is concluded.

*[1 paragraph (3 lines) not declassified]*

I believe that the JCS paper understates the potential advantages from a CTB for non-proliferation (which many of us see as its main benefit). However, those advantages have yet to be articulated sufficiently. In my view it would be useful for the State Department and ACDA to set forth the criteria by which they believe we would be able to judge after a five-year period whether proliferation had indeed been inhibited by the CTB, and therefore whether there would be reasons supporting renewal to counter the military and technical needs for reliability tests.<sup>3</sup>

A great concern of mine is the possible irretrievable dissipation of our nuclear scientific and technological talent if a CTB is perceived by them as being of long or indefinite duration. To be able to test for stockpile reliability after a previously set time period of some years, and to correct deficiencies, the capabilities of the nuclear design laboratories

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<sup>2</sup> In the right margin, Carter drew an arrow pointing to this and wrote "I agree."

<sup>3</sup> In the left margin, Carter bracketed the portion of this paragraph that begins with "and ACDA set forth" and ends with "reliability tests."



have to be maintained. From this point of view there are two matters that particularly trouble me. (1) The decision to limit experiments to a few pounds<sup>4</sup> of high explosive equivalent—rather than, for example, a few hundred tons<sup>5</sup>—limits sharply the degree of interest of such experiments to the scientists and technologists on whose continued skills and continued professional dedication to nuclear weapons design we would depend when tests are resumed. (2) Second, the five-year period of the treaty instead of a three-year period that had alternatively been proposed also reduces the chances of keeping viable nuclear laboratories together. The laboratory directors have told the JCS that, given a commitment to resume testing, they can maintain relevant laboratory effectiveness for three years, but probably not for five. I therefore urge that these two issues be reexamined as part of the development of the safeguards program you requested by June 30.<sup>6</sup>

**Harold Brown**

**Attachment**

**Memorandum From the Chairman of the Joint Chiefs of Staff (Jones) to Secretary of Defense Brown<sup>7</sup>**

JCSM-188-78

Washington, June 1, 1978

SUBJECT

Presidential Decision on Comprehensive Test Ban (U)

1. (S) Presidential Decision (PD)/NSC 38<sup>8</sup> announced that in view of the importance of maintaining confidence in safety and reliability of US stockpiled nuclear weapons, the President has decided that the United States should propose a fixed-duration Comprehensive Test Ban (CTB) treaty of 5 years, with provision for nuclear weapon experiments of a few pounds yield. In forwarding the treaty to the Senate for ratification, the President would state that the United States intends to resume testing at the expiration of the treaty, for safety and reliability purposes only, unless testing is shown not to be necessary. Any further

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<sup>4</sup> Carter underlined the phrase “a few pounds.”

<sup>5</sup> Carter underlined the phrase “a few hundred tons.”

<sup>6</sup> Carter highlighted both point (1) and point (2) and wrote in the left margin “(1) I don’t feel strongly about this,” drawing an arrow pointing at the sentence for point (1), and “might help with this (2),” drawing an arrow pointing at the sentence for point (2).

<sup>7</sup> Secret. Brown wrote “5/30 HB” to the right of the memorandum number.

<sup>8</sup> See Document 200.

agreement on testing limitations after the 5-year treaty would be presented to the Senate for ratification.

2. (S) The Joint Chiefs of Staff consider that the test ban, as outlined, would involve significant military risks. In a memorandum<sup>9</sup> which you forwarded to the President on 22 April 1978,<sup>10</sup> the Joint Chiefs of Staff stated they believe that a test ban must allow continued testing at a level sufficient to:

a. Maintain high confidence in the reliability of US nuclear weapons and hence confidence in the US nuclear deterrent.

b. Avoid undesirable asymmetries which are otherwise likely to result due to the inability of the United States to verify compliance with the test ban.

3. (S) Recent discussions which the Joint Chiefs of Staff have held with Department of Energy officials and their laboratory directors, upon whom the United States must rely for technical judgments concerning the reliability of US nuclear weapons, have further underscored the requirement for continued testing to maintain stockpile reliability. These experts have stated that, under a CTB with zero testing over an extended period, stockpile reliability will be degraded. They have taken the position that the most current nuclear warheads and bombs in the US stockpile cannot be maintained without nuclear testing. Their current best estimate is that the required nuclear yield for that purpose is at *[less than 1 line not declassified]* With nuclear testing permitted at *[less than 1 line not declassified]* it is likely that the current nuclear weapon stockpile could be maintained in a safe and reliable condition. The Joint Chiefs of Staff have found these assessments persuasive.

4. (S) Based on available information, Soviet reliability problems may not be as severe, since the Soviets' typically heavier weapons and larger payloads have allowed them to use coarser design criteria which are not as susceptible to problems as the high-technology US designs. This is likely to cause an asymmetric degradation of the stockpiles. Assuming that the Soviets recognize this, they may eventually perceive a strategic advantage, and the asymmetry therefore would become destabilizing.

5. (S) The announced intention to restrict resumption of testing to that necessary for weapons safety and reliability appears to preempt decisions concerning weapons development which are better made in the context of other arms control agreements. The United States may be

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<sup>9</sup> Reference: JCSM-119-78, 18 April 1978, "Comprehensive Test Ban (U)." [Footnote is in the original.]

<sup>10</sup> See Document 193.

unilaterally restricting development of new strategic weapons, without any similar restraint upon the Soviets if a SAL agreement or other agreements reached do not restrict new strategic weapons development. Moreover, such an unfavorable asymmetry may also be imposed on the development of new theater/tactical nuclear weapons, at least until an arms control agreement with reciprocal restraints might be achieved.

6. (S) [10 lines not declassified] Thus, the United States will face a situation wherein the Soviets could test without detection and the United States will not test—a situation that could lead to asymmetries detrimental to the credibility of the US deterrent.

7. (S) Experience with the nuclear stockpile has demonstrated that serious problems can arise during a 5-year ban on nuclear testing. The decision in PD/NSC 38 does not provide for testing to address stockpile reliability problems which may arise during the period of the treaty. In the event that a serious problem arises, the United States would either have to exercise the “supreme national interest” withdrawal clause or depend on a less reliable deterrent force. The Joint Chiefs of Staff believe that, rather than accept the prospect of placing the United States in this undesirable situation, the United States should initially seek to negotiate a treaty which lowers the testing threshold to the level of verification capability. Such a lowered threshold could provide an opportunity to learn how to deal more confidently with stockpile reliability problems in an environment of restricted testing, while at the same time observing Soviet performance under the treaty and upgrading US monitoring capabilities.

8. (S) JCS discussions with the nuclear laboratory directors also have confirmed the belief of the Joint Chiefs of Staff that retention of skilled scientists and engineers at the US nuclear weapons laboratories is essential to maintain the stockpile and retain a nuclear weapons design capability. The Joint Chiefs of Staff concur with the judgment of the laboratory directors that it is unlikely that the necessary number of skilled scientists and engineers can be retained throughout a 5-year test suspension, even under the incentives of a strong safeguards program.

9. (S) In addition to the military and technical considerations expressed above, there are also politico-military implications which should be given consideration. The Joint Chiefs of Staff recognize that it is in the US national interest to stop nuclear proliferation. However, they are not at all certain the balance of considerations with respect to a test ban, as outlined, would contribute substantially to nonproliferation. Further, if US allies were to lose confidence in the ability of the United States to maintain a credible and reliable stockpile and, hence, in the deterrent quality of US nuclear guarantees, they could be disposed to develop or increase nuclear stocks.

10. (S) The Joint Chiefs of Staff judge the military risks to national security to be serious. The issue is considered to be the adequacy of the US nuclear deterrent forces—both perceived and actual—and the equivalence of those forces to those of the Soviet Union. The magnitude of the risks and the potential consequences compel the Joint Chiefs of Staff to conclude that the negotiating position could result in a treaty which would adversely affect the national security interests of the United States.

11. (S) The Joint Chiefs of Staff request that you forward this memorandum to the President.

For the Joint Chiefs of Staff:

**David C. Jones**  
*General, USAF*  
*Acting Chairman*  
*Joint Chiefs of Staff*

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**204. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, June 5, 1978

SUBJECT

Role of the CCD in a Comprehensive Test Ban

In the margin of my April 28 memorandum<sup>2</sup> to you regarding the likely timing of a comprehensive test ban treaty, you asked why the product of the trilateral negotiations would be sent to the 30-nation Geneva Conference of the Committee on Disarmament (CCD) for its consideration.

One of the most important benefits of a CTB, in terms of our non-proliferation objectives, is the opportunity it provides to get non-nuclear weapon states, especially those that have not joined the NPT, to undertake a commitment not to carry out nuclear tests. While some states are unlikely to sign the CTB at this time no matter how it is negotiated, we believe that in a number of important cases prospects

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 1–12/78. Secret.

<sup>2</sup> See Document 195.

for adherence would be significantly improved if the non-nuclear states have some sense of participation in the process of achieving an agreement.

In India, for example, where Desai could face strong internal pressures not to join and where considerations of pride and prestige are often controlling, the government could be disinclined to adhere to a CTB that it had no role at all in negotiating. The same could be said for several other borderline cases. The willingness of a number of key non-nuclear states to join the treaty could strengthen prospects for ratification, since it would demonstrate the treaty's value as a non-proliferation measure and the importance of bringing it into force.

With these non-nuclear weapon state sentiments in mind, we have provided public assurances that we support a role for the CCD in achieving a CTB. In your message to the CCD in July 1977, you stated that the CCD "has set its priorities for future action and is now ready to prepare the way for negotiations on a comprehensive test ban and a chemical weapons prohibition. The U.S. shares these priorities and fully recognizes the essential role to be played by the CCD."<sup>3</sup>

Sending the treaty to the CCD would of course involve some increase in the length of the negotiating process. And, since the text would become public when it went to the CCD, it would be available for public and Congressional scrutiny for a period of time while the negotiations were nominally still going on. However, the CCD countries are anxious to have a CTB in force, and would probably be receptive to expediting their multilateral consideration of it (perhaps 6–8 weeks or less). And although the text sent to the CCD will be a public document, this public exposure is not apt to evoke any greater Congressional interest in affecting the negotiations than is now the case. In addition, while some CCD members may suggest changes in the trilaterally negotiated text, they must recognize that the basic substantive elements worked out by the U.S. and U.S.S.R. will not be subject to alteration.

It should be emphasized that what we would be submitting to the CCD is the multilateral treaty text only, not the separate verification agreement. The latter, which would contain the detailed verification provisions that we would rely on and which we expect would be the primary focus of public and Congressional attention, would be completed by the U.S., U.K., and U.S.S.R., and would not be negotiated at the CCD at all.

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<sup>3</sup> Carter's entire statement was not found. Telegram 5448 from Geneva, July 5, 1977, noted that Fisher read the statement to the CCD. Carter's statement concluded "with the following words: 'I have pledged my administration's dedicated efforts to halting the nuclear arms race and achieving practical limitations on the world's conventional armaments. I assure that the United States will work tirelessly to contribute to the success of the CCD.'" (National Archives, RG 59, Central Foreign Policy File, D770238–0736)

An alternative to sending the treaty to the CCD would be to complete and sign the treaty trilaterally, and then call on other countries to join. This was the procedure followed for the 1963 Limited Test Ban Treaty (but not for the NPT and the four other multilateral arms control treaties negotiated since then).<sup>4</sup> It would permit completion of the process a little earlier and would avoid the possibility of having the CCD discussions engender public and Congressional reactions that might influence the multilateral negotiations. However, as indicated above, the CCD phase would probably be quite brief and, in any event, the only item left for CCD consideration—the multilateral treaty—is not expected to stimulate as much domestic interest as the separate verification agreement, which would have been completed.

Of more importance is the likelihood that the alternate approach would provoke considerable resentment among the non-nuclear states at their having been excluded from the process altogether. This could have a decisive impact on adherence decisions in a number of critical cases.

I therefore recommend that we maintain our existing position in support of sending the results of the trilateral talks to the CCD for final action on the text of the multilateral treaty. If trilateral agreement were to be reached at the time of a possible U.S.-Soviet summit meeting, announcement of the completion of the trilateral phase of the negotiations would be considered a major accomplishment of such a meeting.

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<sup>4</sup> In the left-hand margin next to this paragraph, Carter wrote "This seems better to me—No final decision."

## 205. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, June 12, 1978, 10:30–11:30 a.m.

### SUBJECT

Comprehensive Test Ban (CTB)

### PARTICIPANTS

#### *State*

Secretary Cyrus Vance  
Les Gelb Director, Bureau of  
Politico-Military Affairs

#### *Defense*

Secretary Harold Brown  
David McGiffert Asst Secretary  
for International Security  
Affairs

#### *Energy*

Secretary James Schlesinger  
Dr. Donald Kerr Acting Asst  
Secretary for Defense  
Programs

#### *JCS*

General David Jones  
Lt General William Y. Smith JCS  
CTB Representative

#### *White House*

David Aaron

#### *NSC*

Reginald Bartholomew  
Benjamin Huberman

#### *OSTP*

Frank Press  
John Marcum

#### *CIA*

Admiral Stansfield Turner  
[*name not declassified*] Chief,  
Nuclear Energy Division

The purpose of the meeting was to continue discussion of the issue of low level testing under a CTB, to consider the characteristics of the network of national seismic stations (NSS) which we should propose in the Geneva negotiations, and to consider whether entry into force of the treaty should be delayed until after installation of the NSS network is completed.

In beginning the discussion of low level testing, David Aaron pointed out that the President had ruled out kiloton level testing in PD/NSC–38<sup>2</sup> and that we should focus our attention on the range from a few pounds to a few hundred tons. After extensive discussion, it was agreed that the Safeguards Plan<sup>3</sup> should include several discrete options detailing the utility of testing in this range.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 95, SCC 084, CTB Verification, Seismic Station Network: 6/12/78. Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> See Document 200.

<sup>3</sup> Not found.

Jim Schlesinger argued that if kiloton-level testing was not permitted the real cutting edge in retaining capabilities would be in whether the duration was three or five years. David Aaron said this could be put to the President to see if he wanted to reopen the issue.

In discussing the seismic network options there was agreement that due to their high cost, time required for installation, and remaining uncertainty, large numbers of arrays were not desirable. A consensus was reached in favor of proposing 12–15 single stations with the right to convert perhaps one or two of these to arrays subsequently (the conclusion was a little imprecise as to how many would be converted).

Since the basic network could be installed within two years, there appeared to be agreement after some discussion that we should not attempt to delay entry into force pending completion of the installation. At the conclusion of the meeting, Schlesinger commented that considering the remaining negotiating problems, CCD involvement and Senate ratification, it would probably be 18–24 months before the treaty entered into force.

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## 206. Memorandum of Conversation<sup>1</sup>

Washington, June 13, 1978, 2:05–3:30 p.m.

### SUBJECT

Summary of Meeting with the President on CTB Issues

### PARTICIPANTS

President Jimmy Carter  
 Harold Brown, Secretary of Defense  
 James Schlesinger, Secretary of Energy  
 David Aaron, Deputy Assistant to the President for National Security Affairs  
 Stuart Eisenstat, Assistant to the President for Domestic Affairs (first 10 minutes)  
 Dr. Frank Press, Director of the Office of Science and Technology Policy  
 John Marcum, Senior Adviser, Office of Science and Technology Policy  
 Harold Agnew, Director, Los Alamos Nuclear Laboratory  
 Roger Batzel, Director, Livermore Nuclear Laboratory

*Harold Agnew* began by saying that he understood that it might be good if he or Roger Batzel ran through a brief explanation of how nu-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 95, SCC 084, CTB Verification, Seismic Station Network: 6/12/78. Secret. The meeting took place in the White House Cabinet Room.



clear weapons actually worked. *The President* agreed saying he had read some simple text books but wanted a more complete understanding.

Harold Agnew presented a chart<sup>2</sup> of a simple two-stage device to the President and explained its design features. He noted that we had made tremendous progress in nuclear weapons technology and illustrated this by pointing out that the current Trident warhead had a yield [less than 1 line not declassified] with a weight [less than 1 line not declassified] compared to a yield [less than 1 line not declassified] of the Hiroshima device with a weight of [less than 1 line not declassified] He said this represented a factor of more [less than 1 line not declassified] in yield to weight ratio. He observed that this tremendous gain was made through very sophisticated technology. One major step was that instead of using a solid glob of plutonium, we now use a [less than 1 line not declassified] With this design we can get [less than 1 line not declassified] in the primary or first stage, but an even more significant step was in using tritium gas for “boosting” the primary. This boosting process produces [less than 1 line not declassified] than the [less than 1 line not declassified] and increases the primary yield [less than 1 line not declassified] causes the secondary stage of the weapon to ignite.

Harold Agnew noted that over the years nuclear weapon designers had been under considerable pressure to develop designs that would use less fissionable material, which could be in short supply for civil purposes, and that would be smaller, lighter and safer. In explaining what the two-stage primary act really does, he said that the Trident primary has a yield [less than 1 line not declassified] the secondary [less than 1 line not declassified]. The important consideration is that the primary must produce [less than 1 line not declassified] there would be no ignition from the secondary.

He then showed a picture of the Sprint ABM warhead<sup>3</sup> noting that this was the first neutron bomb that had been developed. He described its features as [2½ lines not declassified] This device was tested and achieved [less than 1 line not declassified] He then explained that at a later point because of fratricide concerns—e.g., concern that the warhead might be disabled [less than 1 line not declassified] another Sprint warhead that had been detonated earlier, it had been decided to add a hardened layer [3 lines not declassified] He noted that this wasn’t a complete fizzle but was less [less than 1 line not declassified] necessary to ignite the secondary stage. He asserted that if we had stockpiled the modified device without testing we wouldn’t have known about the problem; stockpile surveillance was essential but could not determine the yield of the device.

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<sup>2</sup> Attached but not printed.

<sup>3</sup> Not attached.

*The President* asked what kind of stockpile surveillance method was used. *Agnew* responded that all kinds of statistical sampling techniques were employed, weapons were disassembled occasionally, and the components were examined. He noted that the weapons were designed to last 20 years, but that any time the materials used in manufacturing components are changed one can get problems. He pointed out that the devices we had developed were very delicate and that in his view it would not be prudent to consider maintaining the stockpile indefinitely without testing.

*The President* asked what *Agnew* meant by indefinitely. *Agnew* responded that in an example which *Roger Batzel* would describe, a problem had been experienced within four years. *Roger Batzel* explained that [3½ lines not declassified]

*The President* asked whether the problem had occurred after development of the warhead. *Batzel* replied that it had actually been after deployment of the warhead and had been discovered through surveillance of warheads deployed in the fleet. The problem had been a mechanical safety device which was intended to insure that the weapon would not produce a significant nuclear yield if the high explosive (HE) was detonated accidentally.

*The President* said that he understood that the problem was not identified in an explosion but in an inspection of the safety device. *Batzel* agreed and stated that we had subsequently replaced the primary on that device. He pointed out that we have a similar problem now with the primary of the Poseidon warhead. He pointed out that the Poseidon produced a nuclear yield [less than 1 line not declassified] packaged in a re-entry vehicle weighing [less than 1 line not declassified] He explained that although primaries used to have hundreds of detonators distributed over the surface of the HE in order to generate a spherical implosion wave, [1 line not declassified] In the Poseidon primary a new HE material had been used which exuded a liquid which corroded [less than 1 line not declassified] that with time, no yield would have resulted. Fortunately, during the process of development, an alternative design using different HE material had been fully tested and we were able to simply substitute this primary for the defective one. Otherwise further nuclear testing would have been required.

*Roger Batzel* also argued that US designers in responding to military requirements had made remarkable achievements in minimizing weight and maximizing yield of warheads. [3 lines not declassified] *Agnew* interjected that without the one-point safety requirement we would not be so close to the edge. *Batzel* agreed, adding that a factor of two increase in weight would also avoid some problems. He also remarked that while these were remarkable accomplishments we might

have pushed the technology too hard and created problems for ourselves in the current context.

*Harold Agnew* said that people could say that we haven't been testing stockpiled weapons for reliability for years, why now? He said that they didn't realize the benefits to stockpile maintenance that are achieved from testing new weapons and continuing to produce nuclear weapon materials and components. He observed that many devices which are being tested in new warhead development programs use the same primaries which are in the old stockpiled weapons.

*The President* asked whether the Soviets had more reliable warheads than the US. *Harold Brown* answered that in general their warheads were believed to be heavier, somewhat more roughly constructed and less sensitive to deterioration. *Roger Batzel* agreed and pointed out that they had not had the same constraints on weight and size, and appeared to have developed less sensitive warheads.

*The President* asked how long we have had small primaries. *Roger Batzel* responded nearly 20 years and after thinking about Polaris and Poseidon, said it was really about 10 years. *Harold Agnew* pointed out that development of smaller primaries had really been a result of the pressure of MIRVing of ICBMs and SLBMs.

*The President* asked what had been our experience with regard to correcting problems in inventory. *Roger Batzel* replied that in the early 1960s a vulnerability test of one of our ICBM RVs had been carried out. *The President* asked if this was for fratricide purposes. *Batzel* said yes but added that it was primarily to check for vulnerability to Soviet ABMs. [3 lines not declassified] *Harold Brown* pointed out that [2 lines not declassified]

*Harold Agnew* stated that another example was with our B-25 air-to-air warhead which consisted of [less than 1 line not declassified] The plutonium at that time was manufactured in Hanford and Rocky Flats—one making [less than 1 line not declassified]. After the weapons were stockpiled, people began to notice [less than 1 line not declassified] After disassembling them it was discovered [less than 1 line not declassified] This was due to very slight differences in the manufacturing processes at Hanford and Rocky Flats so that the plutonium [less than 1 line not declassified] might shrink slightly while that [less than 1 line not declassified] expanded.

*Agnew* said that another example where the warhead did not perform as expected was the Talos/Terrier as mentioned earlier, [less than 1 line not declassified] As a result of these problems he felt that we wouldn't be able to certify warheads if the materials were changed in any way without testing.

*Frank Press* commented out that he had brought a panel of experts together to look into this issue. His panel had included the current labo-

ratory directors, former laboratory directors, such as Herbert York, and other nuclear weapons experts. He pointed out that the laboratory directors concerns were as they had been stated today but the other members had a different view and felt that reliability could be maintained for at least five years without testing, and that this had been our basis in recommending the five year duration approach to the President.

*The President* commented to the laboratory directors that one concern he had is whether they were able to maintain their objectivity on this issue in view of their desire for preservation of the laboratories. He said he was trying to put a lid on production and development of all new nuclear weapons and that an important element of this is to put a cap on testing. He stated that we must maintain reliability of our nuclear weapons but that he would need as much flexibility from the laboratory directors as possible to accomplish his overall objectives. He pointed out that without their support a test ban would experience serious difficulties with Congress. He noted that his own advice on the issue was conflicting in that he had decided to ban testing for five years while preserving the right to resume testing. He continued that in his view a threshold test ban would circumvent the basic purpose of the treaty. He wanted to make clear he was not referring to a few pounds but to hundreds of pounds or a kiloton. He pointed out that had discussed this issue earlier in the day with Prime Minister Desai of India,<sup>4</sup> and Desai had said that a 5KT level would open the flood gates to proliferation. He said he was eager to learn from the laboratory directors but expected them to support his objectives as much as possible.

Roger Batzel said that they were trying to be responsive but the problem was that they didn't know what problems would arise in 2, 3, 4, or 5 years.

*The President* then asked what the yield range was for our present primaries. *Harold Agnew* replied that they ranged [less than 1 line not declassified] the Titan down to [less than 1 line not declassified] some of our other nuclear systems. *Harold Brown* pointed out that the Soviets are believed to have larger primaries involving heavier, more rugged designs which are probably less sensitive to deterioration. *Roger Batzel* said that although some of our primaries had higher yields, testing [less than 1 line not declassified] enable us to recertify these primaries when problems arose. He said the laboratories have tried to be responsive to the President's objectives by holding the yield as low as possible, [less than 1 line not declassified] reproducibility is a real problem that there was se-

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<sup>4</sup> According to the President's Daily Diary, Carter met with Desai in the Oval Office from 11:01 to 11:26 a.m. (Carter Library, Presidential Materials) A record of their meeting is scheduled for publication in *Foreign Relations*, 1977-1980, vol. XIX, South Asia.

rious doubt that testing [less than 1 line not declassified] be useful. The difficulty was that it is necessary to get significant boosting in order to insure the primary worked properly. He said that to date we haven't resolved that testing [less than 1 line not declassified] was useful.

*Harold Agnew* elaborated on this point, explaining that we have tested [less than 1 line not declassified] adding small amounts of boosting gas but the yield varied widely and was unpredictable as the boosting gas was added. There is no consistency in the results until the yield gets [less than 1 line not declassified]

*The President* asked whether there was any statistical evidence on the difference in warheads between 3, 4, and 5 years, noting that he gathered there was a difference in view here. *Harold Agnew* responded that we expected all our weapons to last 20 years but as noted earlier in some cases, such as *Polaris*, problems had been discovered in just four years. *The President* pointed out they had not discovered it through testing. *Harold Agnew* agreed and said they had discovered it by surveillance.

*The President* asked whether they had ever discovered in a stockpile warhead any physical deterioration by nuclear testing. *Agnew* replied that the [less than 1 line not declassified] when taken from the stockpile and tested had produced an [less than 1 line not declassified] However, it had never been tested before since it had been developed and stockpiled while the moratorium was in effect. *Harold Brown* pointed out that was a result of not testing the warhead rather than of deterioration after the warhead had been properly tested and stockpiled.

*Frank Press*, asking that the laboratory directors correct him if he were wrong, pointed out that it was his understanding that most of our warheads had worked properly the first time they were tested. *Harold Agnew* responded [3 lines not declassified] *Frank Press* agreed that such problems had occurred but stressed that most of the time the devices had performed well the first time they were tested. *Harold Agnew* acknowledged that this was true and said that was an argument frequently used by some of *Frank Press*' colleagues. In fact, 80% or so did work the first time but the problem was that this might not include *Minuteman* or *Trident* or some other important warheads.

*David Aaron* asked whether there hadn't been enough testing of enough designs over the years to get a good basis to predict how the weapons would perform. *The President* asked whether he was referring to new designs. *Harold Brown* said that that was not the issue. The question was whether there would be deterioration in the stockpiled weapons within five years. If so, then in his view, *Frank Press*' point was right—we could redesign and rebuild the weapon and have confidence that it would probably work.

*David Aaron* asked *Frank Press* whether his panel had looked into the previous record on the problems that had arisen in the stockpile. *Frank Press* responded that his group had reviewed the record and it was essentially just as the laboratory directors had said today. In his view, the important point was that if the weapons were rebuilt the same way as originally, they would have high confidence in their performance.

*The President* asked whether stockpiled warheads were routinely tested. *Roger Batzel* replied they were not and *Harold Agnew* noted that we do have proof tests of each type of warhead before it is stockpiled which certifies performance of all warheads of a type before they are put into a stockpile. *The President* said this was good, otherwise we would have to test every weapon. *Harold Agnew* returning to the question, said that the primaries of old warheads were sometimes tested in development of new weapons and sometimes the entire stockpiled warhead would be tested for other reasons, such as vulnerability, but not routinely.

*Harold Brown* offered to more clearly explain the issue, he said that once the final proof test is completed, the weapons would be stockpiled and subjected to surveillance procedures, but would probably not be tested again unless for some other purpose such as *Harold Agnew* had mentioned. *Roger Batzel* pointed out that some very peculiar problems had arisen over the years even in the nuclear components themselves. [2½ lines not declassified]

*The President* asked *Jim Schlesinger* whether he had any thing he wanted to mention in this discussion. *Schlesinger* responded that there were two points he wanted to raise. The first was that this was not a typical statistical problem and that we are trying to determine the probability of a unique unpredictable event and we don't have any idea when or whether it will occur. In discussing his second point he presented a chart showing the utility of testing at various yield levels—from a few pounds to ten tons would be useful for one point safety and hydronuclear testing, from ten tons to 10 KT for reliability testing, and from 10 KT to 150 KT for development of new weapons.

*Schlesinger* explained that the main point was that [less than 1 line not declassified] we could meet our needs but that lower yield levels did not give us the confidence that the primary will drive the secondary. He said that left to their own devices the laboratories would prefer to go on designing new nuclear weapons. In accommodating the President's desires they had given up on that but they still had the responsibility of certifying stockpiled warheads. As he pointed out this would require testing [less than 1 line not declassified]

*The President* noted they didn't routinely test stockpile weapons. He then asked for the typical reliability of the launchers for these war-

heads. *John Marcum* replied they were about 80%, *Harold Brown* said yes, 75–80% but pointed out the real difference was that for the launchers they didn't have to worry, there was a 25% chance that none of them would work.

*The President* said it was his understanding that there would be a provision that if he or Brezhnev had a pressing national need they would be able to withdraw from the treaty. *Harold Brown* agreed, saying there would be a "supreme national interest" withdrawal clause, but it would be very difficult politically to exercise that clause since it would abrogate the treaty. Further, there would be undoubtedly fierce interagency fights over whether the particular problem was serious enough to justify withdrawal.

*David Aaron* pointed out that it might be possible to define a flexible "supreme interest" clause that would let either side resume testing for national security reasons without collapse of the treaty. *The President* agreed that this might be possible.

*Jim Schlesinger* interjected that an alternative would be to have a small quota of tests below 5 KT and that this would minimize the difficulty associated with the threshold. *The President* noted that from what *Harold Brown* said we would be able to test if really necessary and asked how long it would take us to do so if a problem arose.

*Roger Batzel* replied that this would take from 6 to 9 months depending on the level of readiness provided for in the Safeguards Plan. *The President* asked how long the moratorium had lasted. *Harold Brown* said it lasted about 2½ years from the summer of 1958 to early 1961. *Harold Agnew* said that a lot of people thought he was paranoid but that he had never gotten over this. He presented a chart<sup>5</sup> showing that the Soviets have resumed testing immediately with a massive and well prepared program, whereas it had taken us an extended period to carry out the first test. *Frank Press* told *Harold Agnew* that we really needed his and *Roger Batzel's* help in designing a Safeguard Plan which would provide the right level of readiness and help keep our weapons group together.

*Harold Agnew* said that he understood there could be concern as the President mentioned with regard to whether the laboratories have a vested interest in testing. He assured the President that their only concern was to maintain our nuclear deterrent. He said that the laboratories constitute a valuable resource and they happen to think they are smarter than anyone else and could do a better job in solving most new problems. He commented that their staff spent 40% of their time on

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<sup>5</sup> Attached but not printed.

weapons and 60% on energy activities and they would supply the technical effort wherever the President wanted it.

*The President* asked what else they would do in maintaining the stockpile. *Harold Agnew* said they had been examining this question and, in his view, their present surveillance procedures were adequate, although they could, of course, increase this program if it made anyone feel better. He pointed out they used to test one out of fifty weapons each year, but now did much less of this sort of testing.

*Frank Press* asked the lab directors whether they saw any real hope for reliability testing at the 100 KT level. Both replied they didn't think this was likely. *Harold Agnew* pointed out that [2½ lines not declassified] *Harold Brown* asked [2½ lines not declassified] *Harold Agnew* concluded that [1 line not declassified]

*The President*, noting the particular names of some of the tests, asked *Agnew* for the origin of those names. *Harold Agnew* responded that many of them were place names from New Mexico. *James Schlesinger* pointed out that there was a great deal of empiricism in nuclear weapons, that in theory, it always appeared they would work well.

*The President* said his only remaining concern after this discussion was the need to consider the relative effect of no testing on the Soviets. As he understood there was no real effect, except for the massive weight of their warheads. *Harold Agnew* said there was another point in that Soviet missiles have much greater throw weight, which meant that if a problem arose they could simply put another warhead on, which might be less optimal in terms of weight or size, more easily than we could. *Harold Brown* pointed out that since the size of their warheads were larger, they might have to test at a higher yield than 3–5 KT. On the other hand, since their warheads were less sensitive, they might not have to test at all.

*James Schlesinger* [3 lines not declassified] *Harold Brown* [2 lines not declassified] *John Marcum* [1 line not declassified]

*Roger Batzel* [5 lines not declassified]

*The President* asked *Batzel* [1½ lines not declassified] *Batzel* [1½ lines not declassified] *Harold Brown* [1½ lines not declassified]

*The President* said he had a question for *Frank Press*, that he had just heard we didn't have sensing devices monitoring the treaty. *Frank Press* assured him that we did have these devices for use in internal seismic stations and they had been installed in bore holes in New Mexico for testing. Although we had not completed packaging of these sensors, we should be ready to begin installation in the Soviet Union as soon as the treaty entered into force. He estimated it might take two years to install a complete network of single stations and perhaps three years for arrays.



*The President* asked how many seismic stations we were talking about proposing in the negotiations. *Frank Press* replied that our analysis indicated that a network of about 17 single stations would be roughly comparable to about five arrays. *James Schlesinger* responded we were thinking of proposing 12–15 single stations and this would get us down to a threshold of about [*less than 1 line not declassified*]

*Harold Brown* and *Frank Press* objected noting that the real threshold would be lower when other national means were taken into account. *Frank Press* said we should be precise on this issue, that with that kind of network we would detect down to 2/10 of a KT in many cases. He noted that in seismic regions detection would be equivalent to identification of the event and that in seismic regions, we were looking at very remote locations so that any suspicious activity from satellite photos would help identify the event. Other national means could also help identify problems, and in general the identification threshold should not be more than two times the detection threshold, or about 4/10 of a KT in rock. He said this should be increased by a factor of five in looser material and conceivably by a factor of 10, which would get to the level *James Schlesinger* had mentioned, with dry alluvium. [*7 lines not declassified*] *Harold Agnew* inserted that the Soviets were doing this right now. *Frank Press* noted that we had also conducted tests in cavities.

*The President* [*1 line not declassified*] *Harold Agnew* [*1 line not declassified*] *John Marcum* [*4½ lines not declassified*]

*James Schlesinger* showed the President another chart<sup>6</sup> illustrating the problem of unidentified events and said that even with the seismic network we had in mind there could be 38 or so unidentified events annually. He said we would be pretty comfortable in verifying at the 5 KT level. He noted that seismic arrays were very expensive and that it was probably not worth driving this down to 4 KT, although it might give us more support on the Hill. He asserted that it was the combination of our inability to verify or certify that would give rise to serious domestic political problems.

*Harold Brown* said these were unrelated problems and that as noted earlier the Soviets might not need to test at all. He felt the verification problem was a consequence of our previous statements that any agreement we negotiated must be highly verifiable. He felt the Soviets were unlikely to cheat under the five year approach, but said that *James Schlesinger* was right in that verification would be a political problem. There was no doubt that a 5 KT threshold or a small quota would be better in terms of a Senate ratification effort.

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<sup>6</sup> Attached but not printed.

*The President* asked if we had a real low threshold for a short period, he emphasized that he meant very short, of perhaps six months, what would the lab directors want to test? *Harold Agnew* responded that if other needs had been met they would want to use their quota to test stockpiled warheads for reliability purposes. *The President* asked how they would view three years, maybe with a small quota. *Roger Batzel* replied that a duration of three years would be much easier than five years in maintaining laboratory capabilities. *Harold Brown* noted we had gotten through 2½ years during the moratorium. *Roger Batzel* agreed but said it was starting to hurt and that more than three years would be particularly tough.

*Frank Press* commented that offering opportunities to work in laser fusion and other related areas could be helpful in retaining scientists. *Harold Agnew* agreed but argued that the best people would switch into other areas on a permanent basis. In time we would lose our good people and have little confidence in our stockpile, but he guessed that presumably this was consistent with our long range objective.

*David Aaron* said in his view it wouldn't help to have a short period of testing unless a problem had been identified which needed to be corrected. *Harold Agnew* agreed and pointed out that what was really needed was a 3–5 KT threshold to cover any problems that would arise and that this would be a major step forward in restraining testing.

*The President* asked what the effect of a CTB would be on SALT. *Harold Brown* responded that SALT constraints were not applicable to warheads. *Roger Batzel* commented there was a relationship in that the CTB would constrain our ability to provide warheads for new missile systems.

*Harold Brown* said that if we don't test for three years and that, in that time, deterioration had not occurred, then the same problems would be experienced after three years as now. *The President* said we could build all new warheads at that time for critical systems. He asked if SALT II permitted new missiles what would be the effect of a CTB? *Harold Brown* said there would be little effect, since if we were going to resume testing after 3–5 years we would just design new warheads and test them at that time.

*John Marcum* pointed out that it was his understanding that prior to the threshold test ban we had fully tested new warheads which were intended to meet the future needs of the M–X, TRIDENT II and cruise missile systems. *Harold Agnew* agreed that this was the case and said we had a family of tested warheads for use and planned to use these in developing new systems, since we would be unable to develop new strategic warheads even at 3–5 KT. *The President* commented then the 5 KT threshold would not really help in this regard. *Harold Brown* said probably not although new tactical warheads might be developed. *Roger*

Batzel commented that in testing these new warhead designs the laboratories had tried to anticipate future strategic needs.

*The President* asked what the yield was on the largest device we had tested. *Harold Brown* replied [less than 1 line not declassified] *Harold Agnew* said it was more [less than 1 line not declassified] and for a very dirty device (lots of fissionable material) the yield could have been as high [less than 1 line not declassified]

*David Aaron* asked whether from the laboratory perspective it would be better to have a small quota for reliability testing each year or to have unlimited testing after five years. After having the question repeated, *Roger Batzel* responded that they would probably prefer a small number of tests each year.

*The President* told *David Aaron* that with either a quota or threshold he thought we would lose our non-proliferation impact and the other political benefits we were seeking. In his view, a 5 KT level would be high enough to permit further proliferation in other countries and might be just fine for India. *Harold Brown* said he agreed completely.

*Harold Agnew* asked whether 2 KT would matter. *The President* said he thought so, that the essence of our position is that for a period of time we would not test at all and then could resume testing.

*The President* said he wanted to make clear that he did not share all the laboratory director's concerns. He said he wasn't sure at all that he shared their concerns about problems arising within five years, but said he might not be qualified to judge. *Harold Brown* said this was a judgmental issue and the President's opinion was as good as anyone's.

*The President* asked whether there was any way to make the warheads less sensitive, possibly by adding more tritium. *Harold Brown* responded that we might make them less sensitive by relaxing the one-point safety criteria, explaining that this requirement meant that an accidental detonation of the HE at one point should not result in a significant nuclear yield and that this requirement had required us to minimize the plutonium in the warhead.

*Roger Batzel* said they had examined all these ideas, that to redesign the stockpile would take a lot of time and could have some disadvantages, and wouldn't really help much. He said that at the expense of more weight we could double the HE. *Harold Agnew* noted we could also add plutonium to make the primary hotter so it would be more likely to achieve an effective tritium burn.

*The President* said he had to leave for another appointment and that the meeting was very useful. The meeting adjourned at 3:30 p.m.

## 207. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, June 27, 1978

### SUBJECT

Comprehensive Test Ban (CTB)

### PARTICIPANTS

#### *State*

Secretary Cyrus Vance  
Les Gelb Director, Bureau of  
Politico-Military Affairs

#### *Defense*

Secretary Harold Brown  
David McGiffert Asst Secretary  
for International Security  
Affairs

#### *Energy*

Secretary James Schlesinger  
Donald Kerr Acting Asst  
Secretary for Defense  
Programs

#### *JCS*

General David Jones  
Lt General William Y. Smith

#### *ACDA*

Paul Warnke  
Spurgeon Keeny, Deputy Director  
Thomas Davies, Asst Director for  
Multilateral Affairs

#### *White House*

Zbigniew Brzezinski  
David Aaron

#### *NSC*

Reginald Bartholomew  
Benjamin Huberman

#### *OSTP*

Frank Press  
John Marcum

#### *CIA*

Admiral Stansfield Turner  
[name not declassified] Chief,  
Nuclear Energy Division

The purpose of the meeting was to review our CTB policy on duration, permitted experiments and verification in light of recent meetings and deliberations by the President and to briefly discuss the CTB Safeguards Plan which the Working Group is preparing.

In beginning the meeting, Dr. Brzezinski observed that these were highly interrelated issues and suggested that we begin with duration and permitted experiments. He pointed out that after meeting with the laboratory directors, the President continued to rule out kiloton-level testing, but had more flexibility in considering a shorter duration with very low level permitted experiments.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 95, SCC 084, CTB Verification, Seismic Station Network: 6/12/78. Secret. The meeting occurred in the White House Situation Room. The memorandum was originally dated June 26, and an unknown hand wrote "7" over the 6.

The discussion then focused on the implications of shortening the duration to three years with permitted experiments restricted to a few pounds or somewhat higher as in PD/NSC–38. There was general agreement that this would be a useful step in further limiting military risks and maintaining laboratory capabilities, and that the treaty would still be worthwhile from the non-proliferation and political standpoint. Dave Jones agreed that the shorter duration would be helpful, but stated he would have to meet with the Chiefs to determine whether they could support this approach.

With regard to ratification, Harold Brown stressed that the support of both the Chiefs and the laboratory directors would be essential and argued that in this context it would be important to retain the PD/NSC–38<sup>2</sup> language on intention to resume testing at the end of the treaty duration. Dave Jones agreed with this view and suggested that it would be useful if the testing resumption were not limited to safety and reliability purposes. All agreed with this recommendation.

The permitted experiments level was then discussed in detail and it was agreed that this level should be raised slightly from the “few pounds or somewhat higher” of PD/NSC–38 to “less than one hundred pounds” in order to permit some benefit in maintaining design skills and checking calculations while minimizing adverse non-proliferation impacts.

The impact of the shorter duration on internal seismic stations was also discussed. Frank Press pointed out that military risks would be limited by the three year duration and we would probably not be able to completely install our proposed 12 to 15 station network in just three years. He suggested a two-step approach of proposing seven stations during the three year treaty (the Soviets have informally indicated they might accept this many) with the larger network deferred for consideration in the context of a replacement treaty. A consensus was reached in favor of authorizing the Delegation to propose this approach following the Soviet response to our 12 to 15 station proposal.

Dr. Brzezinski adjourned the meeting by reviewing the changes that would be in PD/NSC–38 under this approach—e.g., duration of three instead of five years, deletion from the intention to resume testing clause of the restriction to reliability and safety purposes, and raising the level of permitted experiments to less than one hundred pounds instead of a “few pounds or somewhat higher.” He asked that the views of the Chiefs and the lab directors on this approach be submitted by Thursday<sup>3</sup> evening so that a decision memorandum could be sub-

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<sup>2</sup> See Document 200.

<sup>3</sup> June 29.

mitted to the President on Friday. At Jim Schlesinger's request it was agreed that the decision memorandum would include each agency's preferred position as well as their view on the acceptability of this approach.

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## 208. Draft Presidential Directive/NSC<sup>1</sup>

Washington, undated

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Secretary of Energy  
The Director, Arms Control & Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence  
The Director, Office of Science and Technology Policy

SUBJECT

Comprehensive Test Ban

The President has reviewed the recent deliberations of the SCC on the Comprehensive Test Ban (CTB) issues,<sup>2</sup> and has reached the following conclusions.

a. In view of the importance of maintaining confidence in safety and reliability of our stockpiled nuclear weapons, the US should propose in the CTB negotiations that the treaty have a fixed, three year duration. The treaty would automatically terminate at the end of three years. During the third year there would be a review conference to determine whether to negotiate a replacement treaty.

b. In forwarding the treaty to the Senate for ratification the President has decided to state his intention to resume testing at the end of

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PRM/NSC-38. Secret. In the upper right-hand corner, Carter wrote "ok. J" The memorandum was attached to an undated memorandum from Brzezinski to Mondale, Vance, Harold Brown, Schlesinger, Warnke, Jones, Turner, and Press that stated that the Presidential Directive contained "CTB instructions which replace those of PD/NSC-38." (Ibid.)

<sup>2</sup> See Document 207.

the three years unless a vigorous safeguards program and studies in the interim indicate that this is not necessary. He has also decided that any further agreement on testing limitations after the three year treaty would be presented to the Senate for ratification.

c. The President has decided that routine scientific experiments at minimal yield levels (less than one hundred pounds) should be permitted under the CTB in addition to experiments in laser fusion and other related areas for civil energy purposes. He has also directed that the precise nature and yields of such experiments be detailed in a CTB Safeguards Plan by the SCC and forwarded for his review by July 31, 1978.<sup>3</sup>

d. Following the Soviet response to our current proposal for fifteen single national seismic stations with the right to upgrade at least two to arrays, the US should indicate in the CTB negotiations that in the context of a three year duration treaty, we should be willing to accept a network of ten simple stations and defer the larger network for consideration in the context of any replacement treaty.

**Zbigniew Brzezinski**

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<sup>3</sup> Not found.

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**209. Memorandum From Secretary of Energy Schlesinger to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, July 1, 1978

Attached are memoranda from the directors of the DOE nuclear weapons design laboratories responding to the request for comments on the new position on CTB discussed at the SCC meeting of 27 June 1978.<sup>2</sup>

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<sup>1</sup> Source: Library of Congress, Manuscript Division, James Schlesinger Papers, Subject File, Box 1, Chronological File, 1978 July. Secret; Restricted Data. Two tabs are attached but not printed.

<sup>2</sup> See Document 207.

You may also recall that both Dr. Agnew and Dr. Batzel provided responses to questions from the NSC staff for you on 5 May 1978.<sup>3</sup> You will be interested in reviewing those earlier memoranda which more fully express their views on the fundamental issues and on the impact of a CTB.

As stated in the earlier memoranda and in the enclosed responses, a treaty limited to three years is clearly preferable from the point of view of delaying the loss of weapons design capability. In either case, however, it will be difficult to motivate good people to stay. There will also be a penalty from the safety and reliability point of view, but the expectation is that this penalty would be limited.

It is going to be difficult to maintain morale and motivation of key designers and scientific staffs under a near zero yield test ban even for the three-year period. In order to minimize losses, it will be necessary to provide both tangible assurances which demonstrate the national resolve to resume testing and also the resources necessary to assure successful start-up of a meaningful test program.

The verification problem will be intensified by both the shorter term treaty and the more limited network of stations. During the ratification process it will come to be recognized that we will only be able to verify [1 line not declassified] As we have already seen, the Soviets will take the position that the verification issue should be reconsidered and that no other means of verification beyond national technical means will be required.

In summary: the shorter period for the CTB alleviates some of the national security concerns. Nonetheless, a noticeable risk remains if testing of the performance of boosted primaries is foreclosed, since there is some (low) probability that some deficiency may occur in critical weapons in the stockpile. It would seem essential, therefore, that the Administration be able to articulate the compensating benefits of a three-year moratorium.

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<sup>3</sup> Not found.



## 210. Minutes of a Special Coordination Committee Meeting<sup>1</sup>

Washington, July 6, 1978

### SUBJECT

Comprehensive Test Ban (CTB)

### PARTICIPANTS

#### *State*

Secretary Cyrus Vance  
Jerome Kahan Dep Director,  
Bureau of Politico-Military  
Affairs

#### *Defense*

Secretary Harold Brown  
Dep Secretary Charles Duncan  
David McGiffert Asst Secretary  
for International Security  
Affairs

#### *Energy*

Donald Kerr Acting Asst  
Secretary for Defense  
Programs

#### *JCS*

General David Jones  
Lt General William Y. Smith

#### *ACDA*

Paul Warnke  
Spurgeon Keeny, Deputy Director  
Admiral Thomas Davies Asst  
Director for Multilateral  
Affairs

#### *White House*

Zbigniew Brzezinski  
Hamilton Jordan

#### *NSC*

Reginald Bartholomew

#### *OSTP*

John Marcum

#### *CIA*

Sayre Stevens Dep Director,  
National Foreign Assessment  
Center

[name not declassified] Chief,  
Nuclear Energy Division

### MINUTES OF MEETING

The purpose of the meeting was to continue discussion of the three year approach on CTB, in light of comments received from the Chiefs<sup>2</sup> and Laboratory Directors.<sup>3</sup>

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 96, SCC 093, CTB, Test Ban Options and Issues: 7/6/78. Secret. The meeting took place in the White House Situation Room. Brzezinski summarized the meeting in a memorandum to Carter, July 7; *Ibid*.

<sup>2</sup> The JCS remained opposed to a CTB. See Memorandum From the Joint Chiefs of Staff to Brown, June 29, 1978; Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Comprehensive Test Ban Treaty #2.

<sup>3</sup> See footnote 4, Document 204.

In beginning the meeting, Dr. Brzezinski stated that we want to pull together differing agency positions on this issue and noted that the JCS position was less forthcoming than he had understood. He had expected that the three year approach would provide the basis for JCS support from the national security perspective and the other agencies had agreed on the three vs. five year approach on that basis. In his view, if the three year approach did not generate more support we might as well have the same fight over the five year proposal. Harold Brown pointed out, however, that we wouldn't get the same letter from the Chiefs on the five year proposal.

Paul Warnke stated that if the Chiefs still felt that serious risks remained he would recommend staying with the five year duration since it is better from a non-proliferation standpoint. In his view, the very limited support from the Chiefs and the Laboratory Directors was not a good enough basis to change this position. Cy Vance agreed noting that we are weakening the treaty from a non-proliferation standpoint by agreeing to the three year approach and should go back to five years.

Dr. Brzezinski noted that Roger Batzel's comments were fairly supportive, and that Harold Agnew's, while linking CTB to SALT, also had some support. Harold Brown stated that his attitude differed from the Chiefs and he has transmitted these views to the President.<sup>4</sup> He agreed that three years would not be as good for non-proliferation but noted the non-proliferation arguments had not been fully analyzed and he did not place as high an emphasis on them. On balance, however, he felt the three year approach was better and more acceptable to most policy officials than five.

Donald Kerr, speaking for Jim Schlesinger, stated that three years was a better way to reduce risks. In his view, while they could only certify continuing reliability with testing at 3-5 KT, three years represented a good compromise for national security and retention of laboratory personnel. He noted with regard to verification that a shorter duration would weaken our bargaining position and that what we could install would be less than what we hoped for.

(Hamilton Jordan entered at this point.)

Don Kerr continued that we could accomplish planned improvements in our Atomic Energy Detection System earlier and could also propose that the US and Soviets do some calibration testing taking advantage of the precedents of the Peaceful Nuclear Explosive Treaty.

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<sup>4</sup> Brown sent a memorandum to Carter on June 30 which transmitted the views of the JCS on a CTB. He noted that his "views on this subject differ from theirs, as I have previously indicated to you." (Memorandum from Brown to Carter, June 30, Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Comprehensive Test Ban Treaty #2)

Spurgeon Keeny commented that this wouldn't help much since calibration shots would be at test sites and would tell us very little about evasion concerns.

Dr. Brzezinski summarized the three year approach saying that we are trying to balance five elements—duration, level of testing, Safeguards Plan, verification, and commitment to resume testing, in striving for a package which meets our national security needs and permits us to go ahead with our foreign policy objectives. He then read a draft Presidential Directive.<sup>5</sup> In reviewing the verification portion of the directive, Dr. Brzezinski suggested that maybe we should go to 10 internal seismic stations, rather than 7. Harold Brown and Paul Warnke supported this suggestion and after a brief discussion, it was agreed that the directive should be modified to include seeking 10 simple stations instead of 7.

David Jones indicated that there was no subject on which the Chiefs had been more consistent. He acknowledged that three years with resumption of testing was far better than five, but to conclude that the problems would go away would be erroneous. He said that the JCS memorandum had been based on a thorough review of each element of the package and left the final judgement to the individual Chiefs. In response to Dr. Brzezinski's question, he agreed that the elements of the draft Presidential Directive were responsive to the Chiefs' concerns but stated that their basic feeling was that there is no way to maintain reliability without testing at 3–5 KT—an indefinite duration would be catastrophic, five years would be very very serious, three years would be less serious but would still be a problem.

Harold Brown commented that instead of leaving the final judgment to the individual Chiefs, he felt the memo expressed judgment at the end that a 3–5 KT threshold would be better. Bill Smith interjected that in the best of worlds, we would have both the non-proliferation benefits and continue to test at the 3–5 KT level. Dr. Brzezinski noted that with a longer duration there could be a higher test level, and with the shorter duration a lower test level. Bill Smith stated that a more accurate non-proliferation assessment was needed to clarify the benefits of the treaty since the military risks were quite real to the Chiefs.

Paul Warnke offered to provide as much detail as needed, noting that this factor had been taken into account fully in the President's February 1976 decision.<sup>6</sup> Cy Vance stated that it was pretty clear that India and possibly Brazil would go along with the CTB. Paul Warnke agreed and said that the CTB might lead India to accept full scope safeguards

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<sup>5</sup> See Document 208.

<sup>6</sup> Not found.

as well. David Jones acknowledged that military risks had to be balanced against these possible gains for non-proliferation but noted that the Chiefs would be more negative on the prospect of such gains.

Dr. Brzezinski stated that he wanted to go through the draft Presidential Directive paragraph by paragraph and have each participant register dissent or consent. On duration, Cy Vance said he preferred five years but would go to three if the other provisions were satisfactory. David Jones said it was clear to him that three was very much preferable than five, but that he had to represent all the Chiefs' views and would have to fall back on the judgment in paragraph 8 of the memorandum on the entirety of the package rather than item by item. Jones said that as Roger Batzel had noted, testing at 3–5 KT was a fundamental requirement in the long term. Harold Brown observed that this referred to concern about a continuation of the treaty after three years, and Dr. Brzezinski noted that the burden of proof would be on those who wanted to continue the treaty. David Jones disagreed asserting that the burden of proof would fall programatically on the tester. Dr. Brzezinski pointed out that the treaty would terminate after three years and David Jones said that he thought the burden of proof would fall equally on those parties.

Harold Brown said that the real question would be verification and not reliability with regard to the burden of proof. David Jones agreed stating that the Chiefs are convinced that without much difficulty the Soviets can test at 3, 5, 10 KT at low risk and this drives the conclusion that we would have to stop and they would continue by cheating. In his view, we couldn't do that but the Soviets could in their closed society.

At Harold Brown's suggestion, Dr. Brzezinski then asked for and received confirmation that all agencies including Energy would support this approach except the Chiefs. Donald Kerr stated that three years was definitely better than five years. Harold Brown said that in his view this approach was consistent with national security and that Jim Schlesinger should clarify his position on that issue. Dr. Brzezinski read the final paragraph from Jim Schlesinger's transmittal of the Laboratory Directors' views<sup>7</sup> and said he took that as an endorsement of the three year approach. Harold Brown agreed that this meant he (Jim Schlesinger) was on board. Donald Kerr also agreed.

David Jones, supported by Harold Brown, indicated that if the Chiefs were pressed again on this approach it would probably be counter-productive and we would get more no's than yes's. He indicated that in time as the provisions of the treaty become clearer and

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<sup>7</sup> See Document 209.

with a better understanding of the non-proliferation benefits of a CTB they might be more supportive of this approach. There was agreement that State and ACDA would prepare a non-proliferation assessment for this purpose. David Jones asserted however, that if the paper were sent now the Chiefs would still say that it (the three year approach) doesn't meet their concerns.

Bill Smith observed that the "unless" clause in the commitment to resume testing had not been included in the Chiefs' assumptions, in other words their view was based on unconditional commitment to resume testing after three years. Harold Brown said that if this was true the paper was internally inconsistent. He recognized the problem that having a group of people with different concerns reduced the consistency of conclusions. In his view the Chiefs may have assumed that testing would resume but didn't really believe it. David Jones, said that paragraph 8 of the JCS memorandum was based on the most favorable assumptions.

Dr. Brzezinski suggested that we should go back to the President and tell him that all agencies were prepared to sign on for the three year approach, and that JCS was standing by its concern but were also more satisfied with the three year than five year proposal. Donald Kerr indicated that in his view the Safeguards Plan should not be mentioned in the intent to resume testing clause, since there was nothing in the plan that would be relevant to the decision of whether to seek a replacement treaty. Harold Brown said there was some relationship but suggested that the Safeguards Plan could be included in a separate sentence. John Marcum disagreed with Kerr pointing out that the Safeguards Plan would provide the essential data base for deciding whether to negotiate a replacement treaty.

Paul Warnke stated that in his view, the non-proliferation benefits were marginal as is and that he felt we should stick to the five year position unless a general consensus developed in favor of the three year approach.

Harold Brown disagreed stating that the three year approach would be an improvement in the ratification context in demonstrating that risks had been limited.

Paul Warnke asked how we would deal with permitted experiments. He thought that since testing would be limited to less than 100 pounds we would not need to seek an understanding with the Russians, but in any case we could proceed to table language for Article I of the treaty and reserve our position on whether an understanding would be needed.

Dr. Brzezinski asked the working group to examine this issue and adjourned the meeting stating that we would report to the President

and that State and ACDA would send a non-proliferation assessment to the JCS.

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**211. Memorandum From Secretary of State Vance and the Director of the Arms Control and Disarmament Agency (Warnke) to the Chairman of the Joint Chiefs of Staff (Jones)<sup>1</sup>**

Washington, July 10, 1978

SUBJECT

Non-Proliferation Value of a Comprehensive Test Ban (CTB)

One of the most serious potential threats to our national security is the further spread of nuclear weapons. We believe that a major national security advantage of a CTB—in addition to the constraint it would impose on Soviet strategic force modernization—would be CTB's contribution to the achievement of non-proliferation objectives.

By demonstrating the willingness of the nuclear powers to accept restraints on their own nuclear capabilities, CTB would put the U.S. in a stronger position to carry out our non-proliferation strategy. We could better press key non-nuclear states to accept restrictions on their activities.

The President has publicly repeated his commitment to a test ban; and the intense interest of the non-aligned nations, as well as our allies, in a test ban was expressed in the recent U.N. Special Session on Disarmament.<sup>2</sup> Continued failure to reach a CTB would seriously impede our non-proliferation efforts and could result in considerable erosion of what we have achieved.

We believe that the longer the duration of the CTB, the greater the benefits. But even a three-year ban, if non-discriminatory, would have significant non-proliferation value. Following are some specific benefits.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Comprehensive Test Ban Treaty #2. Secret. Copies sent to Brown, Schlesinger, and Brzezinski. A stamped notation at the top of the memorandum reads "SECDEF HAS SEEN, JUL 1978." Underneath the date, Brown wrote "7/11 Dave McG—this should be of some help with JCS. HB."

<sup>2</sup> The UN Special Session on Disarmament was held in New York from May 23 to June 30.

### *1. Prevent Testing by Threshold States.*

A CTB would commit non-nuclear weapon parties to accept constraints upon nuclear weapon development. These nations would be unable to obtain either the political benefit or the initial proof of weapons afforded by tests. This would be important politically for nations which have not joined the NPT—notably India, Pakistan, Egypt, Israel, Argentina, Brazil, Spain, South Africa, and Saudi Arabia. Six of these nations are parties to the Limited Test Ban Treaty. A widely supported CTB—one that, unlike the NPT, could not be attacked as discriminatory—would be politically very costly for such states to reject. There are reasonable prospects that a substantial number of them will join. Even for those that choose not to adhere, the existence of a CTB could well be a factor inhibiting any decision to test.<sup>3</sup>

### *2. Strengthen the NPT*

Most of the non-nuclear parties to the NPT have stressed the importance they attach to fulfillment of the reciprocal undertakings of nuclear weapons states to curb vertical proliferation. One of the steps most persistently urged is a comprehensive test ban treaty, which is considered a litmus test of nuclear power intentions. A CTB could make it easier to persuade<sup>4</sup> additional states to join the NPT, and reduce charges of discrimination and of failure to fulfill our obligations under Article VI of that Treaty.<sup>5</sup> It would also minimize the chances of withdrawal by countries, such as Yugoslavia and Nigeria, that have hinted at that possibility. If a CTB is in effect by 1980, it will improve the negotiating position of the United States in the NPT Review Conference.

### *3. Reinforcement of the Treaty of Tlatelolco*

Argentina and Brazil, two states of primary proliferation concern who have not joined the NPT, have interpreted the Treaty of Tlatelolco as not foreclosing “peaceful” nuclear explosives. Since Tlatelolco could well enter into force at about the same time as a CTB, the latter would close out this possibility.

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<sup>3</sup> In the right margin next to this paragraph, Brown wrote “This is less useful an exposition than it would be if it [illegible] of these countries specifically” and underlined the words “could well be.”

<sup>4</sup> Brown highlighted the portion of this paragraph that begins “Most of the non-nuclear parties” and ends with “easier to persuade” and wrote in the right-hand margin “same on this.”

<sup>5</sup> Article VI of the Non-Proliferation Treaty declared that signatories must pursue “negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” and make progress towards a treaty “on general and complete disarmament under strict and effective international control.” (“Treaty on the Nonproliferation of Nuclear Weapons,” July 1, 1968, *Documents on Disarmament*, 1968, pp. 461–465)

#### 4. India.

While Prime Minister Desai has declared that he will not authorize any further explosions,<sup>6</sup> it is important to translate this into a treaty obligation binding India. Desai states that India will “support all non-discriminatory measures toward nuclear disarmament,” and indicated that a CTB would “remove a sensitive element of discrimination and bring the chances of acceptance of a non-proliferation treaty both internationally and nationally much nearer.” Last month Foreign Minister Vajpayee told U.S. Congressmen that India would join a non-discriminatory CTB. Given India’s standing in the non-aligned movement as well as the importance of Indian actions in this area in the wake of its 1974 test, Indian adherence to the CTB would have a beneficial effect on other countries, particularly Pakistan.<sup>7</sup>

Our other major non-proliferation objective in India—full scope safeguards—would be promoted by a CTB. At his January 5 press conference, Desai said “India will agree to full scope safeguards *only if* the nuclear powers, at least the big two, the United States and the Soviet Union, signed a comprehensive treaty to avoid all types of tests” and took certain other steps. In his recent meetings with Prime Minister Desai, the President placed great emphasis on the CTB as a major part of the solution to the safeguards problem.<sup>8</sup> Since the Non-Proliferation Act of 1977 requires termination of U.S. nuclear aid to India if full scope safeguards are not in place in 18 months, a CTB may avert a serious division between the United States and India.

#### 5. South Africa.

A CTB which South Africa<sup>9</sup> joined would convert into a treaty obligation the assurance Prime Minister Vorster gave the President that South Africa would not explode a nuclear device.<sup>10</sup> This would help reduce regional apprehensions about South African intentions as well as

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<sup>6</sup> On June 9, Desai told the UN Special Session on Disarmament that India had “abjured nuclear explosions even for peaceful purposes.” (“Address by Indian Prime Minister Desai before the Special Session of the General Assembly Devoted to Disarmament: Indian Nuclear Policy [Extract],” June 9, *Documents on Disarmament*, 1978, pp. 382–383)

<sup>7</sup> Above and to the right of this paragraph, Brown wrote “useful.”

<sup>8</sup> See footnote 4, Document 206.

<sup>9</sup> Brown circled and drew a line from the words “South Africa” and wrote “would it?” above and to the right of this paragraph.

<sup>10</sup> Telegram 247704 to London, Paris, and Bonn, October 15, 1977 reported that on September 13, South African Foreign Minister “Pik” Botha had handed Ambassador Bowdler a letter from Vorster to Carter that “led off with reiteration of SAG’s previous assurances that South Africa does not have or intend to develop nuclear explosives for any purpose, that Kalahari is not a nuclear test site, and that there will not be any nuclear testing in South Africa.” (National Archives, RG 59, Central Foreign Policy File, P840081–2508)



the risk of consequential decisions by others to go nuclear. In the near term, a CTB could advance the progress begun during Ambassador Smith's recent visit in achieving South African adherence to the NPT and full scope safeguards.<sup>11</sup>

In summary, we believe that a CTB is a central element of our efforts to prevent the further proliferation of nuclear weapons.

Cyrus Vance

Paul C. Warnke

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<sup>11</sup> Gerard Smith, the President's Special Assistant for Non-Proliferation Matters, visited South Africa from June 26–28 to discuss nuclear issues.

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## 212. Memorandum of Conversation<sup>1</sup>

Geneva, July 13, 1978, 10:40 a.m.–1:30 p.m.

### SUBJECT

Vance-Gromyko Meeting, SALT, CTB

### PARTICIPANTS

#### *U.S.*

Secretary of State Cyrus R. Vance  
Ambassador Paul C. Warnke  
Ambassador Malcolm Toon<sup>2</sup>  
Mr. William D. Krimer,  
Interpreter

#### *USSR*

Foreign Minister A.A. Gromyko  
First Dep. Foreign Minister G.M.  
Korniyenko  
Dep. Foreign Minister V.S.  
Semenov  
Mr. A.M. Petrosyants<sup>3</sup>  
Ambassador A.F. Dobrynin<sup>4</sup>  
Mr. V.M. Sukhodrev,  
Interpreter

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Vance-Gromyko July 1978. Secret. The meeting took place at the Soviet Mission. Drafted by Krimer on July 15.

<sup>2</sup> These participants joined the discussion at 11:50 a.m. for discussion of CTB matters. [Footnote is in the original.]

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

[Omitted here is discussion unrelated to a comprehensive test ban.]

*CTB*

Noting that in the person of Ambassador Warnke Secretary Vance had a specialist on all questions, Gromyko said that for the purpose of discussing CTB matters he would have to call in his experts.

Ambassador Toon, Chairman Petrosyants, Minister Semenov and Ambassador Dobrynin joined the group for discussion of CTB matters.

Ambassador Warnke expressed his belief that Chairman Petrosyants would agree with him in saying that good progress had been achieved toward a CTB Treaty. The Delegations were now working diligently to develop a separate verification agreement that would contain appropriate provisions. Warnke could really not see any issue of principle remaining. Initially there had been three major issues before the sides:

- (1) Peaceful nuclear explosions;
- (2) Verification; and
- (3) Duration of the Treaty

Warnke would take them up in inverse order, because due to the fact that on September 2 President Brezhnev had agreed to a moratorium on peaceful nuclear explosions for the same duration as the Treaty, we could now agree to a limited duration and thus a limited moratorium.

We had agreed in principle that the duration of the Treaty would be either three years or five years. The two sides had also agreed that during the moratorium they would continue to consider together if there was some way to permit resumption of peaceful nuclear explosions without involving military aspects or endangering our common objective of non-proliferation of nuclear weapons. Thus, we now had substantive agreement on two of the three issues. As for verification, we did have agreement in principle. We had given up our traditional insistence on mandatory on-site inspection and had moved toward the Soviet position that such inspection be on a voluntary basis. We still had to work out the circumstances under which on-site inspection would be carried out, and the two sides were working on the conditions for such inspection. For our part, we were working on the assumption that a well substantiated demand for on-site inspection could not very well be rejected without affecting the viability of the Treaty. There were proposals on the table concerning specific numbers of locations for national seismic stations on the territory of the Soviet Union and the United States, and the experts of the two sides were currently engaged in intensive work on this question. Finally, there was no difference of views between the two sides regarding the fact that we were

working toward a general and comprehensive test ban, and not merely toward a threshold test ban.

Warnke thought that both sides recognized that there were areas of routine scientific experiments producing very low yield that would have to be provided for. He knew that last year it had been pointed out in the course of discussions that one such area was that of laser fusion as a means of generating electricity. Experiments in that area would produce low nuclear yields, to be measured in terms of pounds. He was sure that there was no intention on either side to interfere with these scientific developments. Chairman Petrosyants would be an expert in this area, and would be familiar with the nature of these experiments.

Thus, Warnke would say, he was satisfied with the progress that had been achieved, and believed the prospects were good. He knew that they should consider together the question of the timing and entry into force of the Agreement, particularly in light of the recent UN Special Session on Disarmament and the proposal to reconstitute the Conference of the Committee on Disarmament.<sup>5</sup> There were matters of procedure and timing, and how best to enlist international support, that could be worked out between the sides. He hoped that Chairman Petrosyants would in general agree with his review of where we stood at the present time.

Chairman Petrosyants said that, in general, the situation as set out by Ambassador Warnke was correct. Their negotiations were indeed being carried on successfully. The Delegations were engaged in intensive and important work on certain issues. However, he would have to report that they had not yet resolved and, he would even say, not even approached resolution of one major question. Some time ago the Soviet Union had suggested and tabled a proposed text for so-called Article I, the purpose of which it was to define the objectives of the Treaty. The language proposed by the Soviet side very clearly indicated the purposes of the Treaty and the ultimate objective of complete cessation of nuclear weapon tests in all environments. The U.S. Delegation, on the other hand, had merely set out its considerations in the so-called Working Document, but had not put forward a draft for Article I, i.e., for the Article which was to spell out the main purpose of the Treaty. He would ask that a draft of this Article be presented as soon as possible. That would make it easier to continue the work of the Delegations.

Petrosyants said that the greatest difficulty in the negotiations involved the question of verification. The Soviet Union was in favor of verification, and in this sense stood on common ground with the

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<sup>5</sup> See Document 501.

United States. The first element of verification was on-site inspection in the event of ambiguous physical phenomena which raised questions about compliance with the Treaty. On-site inspection would be implemented on a voluntary basis. In general, he would say, the work of specifying the functions of the personnel to be involved in on-site inspection was proceeding rather successfully. There were still some differences between the sides on this subject, but Petrosyants did not believe them to be so important as to warrant airing at so important a meeting as the current one. He was sure that he would be able to resolve them with Warnke.

As for the second element of the verification question—automatic national seismic stations—there were still quite a few unresolved questions and quite a few divergent views. The Soviet side believed it would be best to carry out verification by national technical means, including national seismic stations, which were in the possession of all the states involved. The U.S. Delegation had proposed installation of so-called automatically operated seismic stations on each other's territory. He and Warnke had discussed the various characteristics of such stations, their range of operation, etc. At their invitation the principal inventor had come to Geneva, bringing with him documentation and figures. As a result of discussions with specialists, it had been established that to date these stations exist only on the drawing board, and that one could not expect even one such station to be assembled in the United States any earlier than October of this year. From a technical standpoint that station was very complex, and when the Soviet side had asked how much time would be required for testing it, the inventor had specified a period of no less than three months. In the Soviet view it would be impossible to guarantee that a station produced in just one sample and tested for only three months would operate reliably. He believed that it would be quite wrong to jeopardize the Treaty by installing this kind of equipment, since it would be very likely to mislead people. He did not believe it possible to put one's faith into the operation of such a station without having any assurance of the reliability of its operation. One most important element of that station, the so-called authenticity block, did not even exist on the drawing board so far, and would not be completed even by October. For all these reasons he thought the sides should limit themselves to inspection by personnel and by using the technical facilities, including seismic stations, which the sides have at their disposal at present. Finally, the Soviet side believed that it should be possible to divide the verification question into two stages. At the first stage verification would be carried out without the use of national seismic stations on the territory of the other side, and at the second stage they could proceed to the use of improved seismic stations.

Gromyko asked if the two sides had agreed on the possibility of using national seismic stations.

Petrosyants replied in the negative.

Secretary Vance asked what the quality of verification would be during the initial period without improved and installed seismic stations.

Petrosyants replied that first and foremost he would point out that neither side had any intention of violating the Treaty and conducting nuclear explosions.

Gromyko remarked that this should be viewed as the moral policy of all the countries involved.

Petrosyants pointed out something that he thought might be even more important. The United States had in its own country a well-developed network of seismic stations, as well as stations located along the perimeter of Soviet borders, particularly south and east of these borders. Thus, everything was subject to observation and identification. Moreover, there were systems for an international exchange of seismic data from seismic stations. All this, taken together, would in his view assure a good level of verification. This is why the Soviet side had not advanced any proposal to locate seismic stations on the territory of the United States. They simply were not needed.

Gromyko noted that there were evidently three issues that were not as yet finally agreed. The first concerned the purposes of the Treaty. It was obviously necessary to reach agreement on Article I, specifying that the Treaty was aimed at ensuring a complete ban on the testing of nuclear weapons. It should not be a difficult task to draft such an article. The fact that the United States had not provided a draft so far gave rise to certain doubts on his side. Secondly—duration of the Treaty. He had the impression that the United States was losing its taste for the five-year duration it had previously proposed. When he had been in Washington last and had indicated that a five-year term might be acceptable, he had thought that he had made a concession that would be readily grasped by the United States. He thought if a three-year duration were now to be established, people would become suspicious that the participants to the Treaty were developing new facilities and would engage in a new round of testing after the three-year period. Third, as to verification. Some progress had been achieved in view of the understanding on the participation of personnel on a voluntary basis. As for automatic equipment, he thought it would be best of all if agreement were reached to use the technical facilities as the disposal of each of the parties on a national basis. If any third country were to ask the United States to install so and so many stations on its territory, no one would object. But, in the absence of such requests, national technical means should be sufficient. After all, the initial participants in this Treaty were

countries that had adequate technical means at their disposal. Moreover, the automatic “machine” the U.S. side had mentioned was still on the drawing board. From the standpoint of the tasks it was to perform it was a very crude piece of equipment. It could not distinguish between nuclear explosions and other explosions carried out for economic purposes, such as mining, for example. Would it then be necessary to call out the fire brigades each time that such a crude machine gave a signal? He would surely not characterize that kind of equipment as a miracle of technology. In fact, the use of a machine that could not distinguish between nuclear explosions and other explosions, carried out for economic purposes, could be likened to the use of an automatic lawn mower one controlled from one’s living room, which in addition to cutting the grass also destroyed one’s flower beds. It seemed to him that this whole question should be viewed in proper perspective and that agreement not be made contingent on some “miracle machine” of doubtful merit. He thought the two sides should agree to use the national technical means at their disposal for purposes of verification.

Fourth and last point: what should the agreement to be concluded be like? The United States somehow wanted it to provide for some kind of an exception. The Soviet side wanted to ensure that all nuclear weapon tests were ruled out under the Treaty, because in dealing with nuclear weapons it would make little difference whether the yield was expressed in terms of kilotons or pounds. We did have a threshold test ban agreement between us, although it had not yet been ratified and had not entered into force. Why, then, should our two countries sign a second threshold agreement? No, what was needed was a treaty completely banning all nuclear weapon tests. A new threshold agreement would only create doubts and make an unfavorable impression on world public opinion. As for scientific research, that would be a different matter, but it must not permit testing of nuclear weapons. If the U.S. side was aiming at another threshold agreement, the Soviet Union could not agree to such a concept. He would want to see the United States display greater flexibility in this respect. Of course, the distance between the two sides had been reduced to some extent, and that was good. But a certain distance nevertheless still remained.

The Secretary wanted to comment briefly on the four points Gromyko had made, and would then ask Mr. Warnke to state his views. First concerning the purposes to be spelled out in Article I of the Treaty. There was no difference between the two sides on the question that what we were seeking was a complete test ban. As for the time when we would be in a position to table our own version of Article I, he would ask Mr. Warnke to comment after he had finished. As for duration—we have been considering whether a three-year term or a five-year term would be most appropriate for the Treaty. When our consid-

eration of this matter was completed, we would be in touch. On the question of verification—the form of the instrument to be used in connection with verification was important from the standpoint of ratification in the United States, and it was a matter that would receive major attention during Congressional discussions in the process of ratification. Finally, on the fourth point—what we were talking about was laboratory research. There was no real difference between us in this respect.

Warnke said he did not have much to add to the Secretary's comments. On the first point—we had submitted a Working Paper, and were developing an Article I which we hoped to submit in the near future. Secondly, regarding duration of the Treaty. Of course, one of the things to be considered in this connection was the impact of the Treaty on other countries, and the need to further the non-proliferation objectives we had in common. The Soviet Union had proposed a three-year duration. Warnke had listened to the arguments of the Soviet Delegation and had found them to be quite persuasive. Third, on verification. He did not believe it necessary to comment any further on on-site inspection. As for national seismic stations, he had thought that we had reached the point where the issue was not whether or not such stations were to be used, but rather when, how many and where. If the Soviet Union was now changing its position in this respect, Warnke could only view this as a serious setback to the negotiations. He believed it was necessary to recognize that neither side anticipated that we would not have an agreement that would replace the current one after three years. After all, it would hardly be worthwhile to negotiate on a three-year agreement unless we expected it to be replaced at the expiration of that period. He believed that one of the key factors for determining whether or not there would be another treaty banning nuclear testing would be the question of whether or not there was sufficient confidence in the verification procedures in the treaty now being negotiated. As Secretary Vance had pointed out, acceptability of the Treaty to the U.S. Senate would depend in large part upon Senate satisfaction with the verification procedures. He believed that the national seismic stations would prove to be an important element in such procedures. He further believed that from the standpoint of furtherance of our common non-proliferation objective, and from the standpoint of the impact on other countries, it was necessary to be sure that there were verification procedures and facilities that would give them confidence that the nuclear powers had stopped nuclear testing. Therefore, he would agree with what he understood Chairman Petrosyants had suggested—that there was the possibility of dividing verification into two stages, recognizing that time would be required before equipment could be installed in connection with these national seismic stations. However, he would not feel confident unless there was acceptance of the principle that after

a certain period of time national seismic stations would in fact be installed. Thus, he felt that we ought to continue discussing the question of how many such stations would be installed, where and when. However, he believed that if there was a difference in principle on the entire question, he would say quite frankly that his optimism would be seriously set back. Concerning the technology involved, he did not think we needed to fear that the equipment in question would operate like the lawn mower to which Gromyko had referred. He believed that installing the equipment would be a substantial step forward in terms of verification and rather than raise questions, would settle them and promote confidence.

Gromyko noted that Warnke had avoided the question Gromyko had asked. He would therefore repeat it: will that equipment be capable of distinguishing between nuclear explosions and ordinary non-nuclear explosions carried out for economic purposes?

Warnke said the answer to that question was no.

Gromyko said that in his country, with its vast territory, hundreds and perhaps thousands of economic explosions were carried out annually, especially in the eastern part of the country. He would ask, then, will there be fire brigades constantly travelling throughout his country pursuant to signals received from that machine? He thought this would hardly promote confidence on either side. Such were his views concerning the equipment in question. As for national means, on its own territory each country could install as many machines as it felt were needed.

Warnke thought that Gromyko's comments were not relevant to the issue. Obviously there will be chemical explosions, whether or not one had seismic stations. Chemical explosions could be appropriately dealt with through pre-notification procedures. But, he would point out, this was not a problem that would be created by the stations; the problem existed in any case. Otherwise one might also say that national technical means should not be very good, because if they were, they will raise questions. For purposes of verification we had proposed the use of national technical means, voluntary on-site inspection and these additional seismic stations. Without all three elements there would not be adequate confidence in compliance with a complete test ban. A limited threshold treaty would be futile in terms of furthering our non-proliferation objectives.

Gromyko said he could see that Warnke was quite hypnotized by his machine, a machine that could not distinguish between nuclear and chemical explosions. Well, that was his business. In a country as large as the Soviet Union there would be many chemical explosions for many different economic purposes. Could that machine distinguish chemical explosions from nuclear explosions? No, it could not. In the case of nu-



clear explosions, could it distinguish between weapons related explosions and economic explosions? No, it could not. It does not even exist as yet, has not been tested, and already the U.S. side was trying to impose such equipment on other countries. The Soviet Union was not in favor of that. The Soviets would like to see a more reliable system of verification. As far as the present parties to the negotiations were concerned, i.e., the United States, the Soviet Union and Great Britain, they were quite capable of assuring reliable verification through the use of their own national technical facilities. As for the number of stations, of course the Delegations could discuss that matter; he would not reject that. But, things should be simplified and a certain flexibility displayed.

Further, Gromyko wanted to be sure that Secretary Vance and Mr. Warnke were not talking about nuclear explosions as such, but of laboratory experiments and research for scientific purposes. He would like to get some clarification of the nature of such laboratory explosions. If they were what he thought they were, perhaps there was a way out. What would be the scientific purposes of such laboratory experiments?

Warnke had two comments to make. First, he would return to his hypnotic machine. He would point out again that the chemical explosion problem would not be created by that machine. Practically, the solution to that problem would be to provide more information regarding the location of such explosions.

Gromyko interrupted to say that Warnke was just confirming what Gromyko had said.

Warnke would not pretend that the equipment would be perfect. However, it would be better than anything we had now. To object to the equipment because, while it could detect chemical explosions, it could not distinguish them from nuclear explosions, would be tantamount to saying that we must reduce the crime rate by reducing the number of police reports. Finally, regarding the question of scientific experiments. What we had in mind were routine scientific laboratory experiments, producing low yields. We were not proposing that either of us be enabled thereby to test nuclear weapons.

Gromyko felt it necessary to ask an additional question. When Warnke spoke of laboratory experiments did he really have in mind experiments conducted in an enclosed building, such as the buildings in which laboratories were usually located? Or did he have in mind experiments conducted in open spaces, somewhere in Nevada, or Nebraska, or some desert area?

Warnke replied that what he had in mind were experiments conducted in a reusable laboratory.

Gromyko said he could see that he had not received an answer.

Mr. Korniyenko added that the type of laboratory to be used required definition.

Secretary Vance said it was his understanding that what we were talking about were experiments in an enclosed space.

Gromyko said it would be necessary to obtain additional information and confirmation regarding the purposes of the experiments, if the U.S. side could provide them, because the Treaty does place a great responsibility on the three countries involved.

The Secretary expressed his hope that the Soviet side would give some further thought to what appeared to be a radical change in the position of the Soviet side with respect to the machine Warnke had talked about. He could tell Gromyko that without doubt these three elements, this tri-partite verification process, would be very important in terms of Congressional consideration.

Gromyko said that the U.S. Government would best know how to deal with the U.S. Congress; he could not provide any advice in this respect. At the present time he could add nothing to the Soviet position. It seemed to him that the Soviet side had displayed a great deal of flexibility in the negotiation of the CTB Treaty. Thus, when the main question had appeared to be the question of duration, the Soviet Union had accepted the U.S. position, but now seismic stations were regarded as a matter of new importance.

Warnke said he could not accept the statement that this was a new matter. It had been an essential part of our position from the very beginning.

Gromyko recalled that in May President Carter had characterized the question of duration as being the most important question. He would refer the Secretary to the record of that conversation to confirm this fact.<sup>6</sup>

The Secretary said that what the President had in mind was based on his impression that duration was one matter on which there was disagreement. In the CTB negotiations, duration and verification were of coequal importance.

Gromyko reminded the Secretary that in May he had told President Carter that the Soviet Union would be prepared to accept a five-year term for the Treaty in the event that all other matters were agreed, including verification. The President quite definitely stressed duration as the most important question.

He could see that there was still some distance between the respective positions on the test ban treaty. This was not a simple matter; he would suggest that the Delegations continue their work. In general, the attitude of the Soviet Union, based on principle, toward the advisability of concluding a treaty on the complete banning of nuclear

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<sup>6</sup> See Document 201.

weapon tests had not changed in the least. He continued to believe that this would be an important international step. He would only ask the Secretary not to assume that the Soviet Union was interested in conclusion of such a treaty to any greater degree than the United States. In his view all three countries negotiating the treaty were equally interested in its conclusion.

The Secretary wanted to assure Gromyko that we assumed that all were equally interested in achieving this extremely important goal.

Gromyko said it was good to know that we shared the same objective.

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### **213. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, July 28, 1978

#### **SUBJECT**

Duration of a Comprehensive Test Ban (CTB)

Our trilateral talks with the USSR and UK on a Comprehensive Test Ban Treaty are continuing to proceed well.<sup>2</sup> A good number of the formal treaty provisions have been agreed and the Soviet Delegation is talking seriously on the issues of the way in which on-site inspections would be conducted and the characteristics of the national seismic stations that would be established in the Soviet Union and the U.S.

The question of the initial duration of the treaty is, however, impeding the final development of on-site inspection procedures and, even more seriously, Soviet consideration of the number, timing and specific characteristics of the national seismic stations. Accordingly, substantial further progress will require that we state soon our final position on treaty duration.

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Paul C. Warnke Files, December 1974–July 1979, Accession #383–98–0154, Box 1, Memoranda to the President Regarding SALT, Cruise Missiles, CTB, NPT, and Indian Ocean Arms Control, January–October 1978. Secret.

<sup>2</sup> The trilateral CTB negotiations resumed on May 4 in Geneva and continued into August.

It is, however, also clear that a final decision that moves from a five year treaty to a three year treaty will interfere seriously with our ability to negotiate any extensive and effective network in the USSR. This could make our ratification problems more severe. There are also indications that moving to a three year term could adversely affect prospects for gaining adherence by key-nuclear states, and thus reduce a CTB's non-proliferation value.

*Verification.* Our discussions with the Soviet CTB Delegation suggest strongly that, for a five-year treaty, the Soviets would be prepared to come quite close to meeting our proposals on national seismic stations, including our proposal that they accept a substantial number of stations. After press accounts alerted them to a possible U.S. move to three years, however, they have taken a much more reserved position. The head of the Soviet Delegation has made it clear that his government would accept substantially less in terms of verification, particularly seismic stations, for a three-year treaty than for a five-year one. He maintains that, for a three-year duration, it is virtually impossible to justify a seismic network that would take over two years to install, would require considerable effort and expense, and would involve advanced equipment that has not yet even been fully developed or tested.

In addition, we are told by members of the Soviet Delegation that our far-reaching seismic station proposals have encountered strong resistance in the Soviet bureaucracy because of their unprecedented intrusiveness. While the Soviet government appears reluctantly prepared to accept most of our proposals in the context of a relatively durable CTB, it can be expected to have much greater difficulty swallowing what they probably regard as a serious compromise of Soviet doctrine for the sake of a treaty that could lapse after only three years.

We believe, therefore, that a U.S. shift to three years would result in a significant weakening of the verification package we could hope to negotiate. It is unlikely, for example, that we could obtain more than a few stations on Soviet territory, and even then the Soviets would be very reluctant to agree in advance or in any detail to the sophisticated technical features we are proposing.

The implications of having to settle for less could be quite serious. Clearly, verification will be a key factor in the ratification debate, and the type of seismic network that seems attainable for a five-year treaty could be a major asset. It would have substantial appeal both in the Senate and with the American public as a breakthrough in terms of Soviet acceptance of intrusive verification measures and as an important precedent for future arms control measures, such as SALT. Our shift to three years could undercut this opportunity.

*Effect on India and other key states.* Foreign Secretary Mehta recently told our Ambassador that the Indian Government was troubled by a

*New York Times* story<sup>3</sup> indicating that we had decided to permit certain kinds of nuclear testing under a CTB and to shift to a three-year treaty. Ambassador Goheen reported that Mehta seemed to be saying that India would not become party to so limited a CTB.

The Indians are probably more concerned by the prospect of movement away from a comprehensive ban than they are by a possible shift to three years—and they may well be prepared to go along with the shorter duration provided that the treaty is comprehensive. Nonetheless, they would almost certainly find the five-year approach easier to support.

We would expect other key non-nuclear states also to favor a longer treaty, and in some cases this preference could be a decisive factor in whether they choose to adhere. A number of these states may interpret the three-year approach as lack of a true commitment on our part to a CTB and as a clear indication of our intention to resume testing, and they may decide that, rather than join from the start, they should wait and see whether the nuclear powers are serious enough about a test ban to continue it after the three-year moratorium.

*Negotiating Leverage.* Because the Soviets earlier proposed a form of three-year treaty, we had assumed that, by moving to three years, we could seek to obtain corresponding Soviet movement on other issues. However, not only have the Soviets signaled clearly that they could accept a five-year treaty, but the Soviet Delegation leader has told us that he prefers five to three. If anything, our move to three would give the Soviets additional leverage on us. The Deputy Chairman of the Soviet Delegation recently expressed to the UK Deputy his disappointment that with the three year duration we would end up with only “a brief self-imposed moratorium.” He complained about the influence of the U.S. Joint Chiefs of Staff and said that he regretted now that the Soviet side had failed to accept the idea of unlimited duration.

*United Kingdom Position.* The British have repeatedly emphasized to us their strong view that five years is the minimum term which should be negotiated. Their Delegation head informed me that Prime Minister Callaghan planned to mention this to you in Bonn.<sup>4</sup> Although the UK would probably go along with a three year term if we urge it, they will do so reluctantly.

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<sup>3</sup> Telegram 178021 to Geneva, July 14, reported that the Indian Government was “troubled” by a July 1 story in the *New York Times* that said “US military and nuclear experts have forced a change in our position so that certain kinds of testing will be permitted and the duration of the CTB will be reduced to 3 years.” (National Archives, RG 59, Central Foreign Policy File, D780289–0851)

<sup>4</sup> Not found.

*Stockpile Reliability Implications.* No technical basis has been adduced for questioning our ability, without nuclear testing, to maintain high confidence in the reliability of our stockpile for a substantial period of time, and certainly for five years. Any expressions of preference for a three year period seem to derive more from an eagerness to resume testing than from any serious contention that the problems of maintaining stockpile reliability for five years are significantly greater than those for a three year period.

Indeed, a three year treaty might be insufficient time to provide experience in maintaining the stockpile without testing to enable us to make a sound judgment on whether a test ban can be continued.

These various circumstances tend strongly to support a five year treaty duration. The longer term would permit negotiation of more effective and more domestically attractive verification measures and would elicit greater support among key non-nuclear countries. The three year period would, as a practical matter, foreclose the installation of a significant seismic network in the Soviet Union and could be regarded by other countries as, in the words of the Soviet Deputy, just "a brief self-imposed moratorium". Indeed, if other considerations lead you to modify your earlier decision in favor of a five year treaty, I would suggest that a four year treaty would much more adequately advance our CTB objectives than one of three years.

In short, the costs to our negotiating position and to our non-proliferation objectives resulting from the reduction of the CTB term would be heavier than I believed when we first discussed this possibility. I wonder whether the gains in quieting CTB opponents would be sufficient to offset these costs.

**214. Memorandum From Secretary of State Vance and the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, September 2, 1978

SUBJECT

Comprehensive Test Ban Negotiations

With the CTB negotiations now in recess, it is appropriate that we review our approach and take decisions which will allow us to move ahead when the negotiations reconvene. We believe that our review should be guided by these three objectives:

—We should seek to preserve the momentum of the negotiations and to capitalize on the Soviet leadership's current readiness to work out an agreement along the basic lines we have proposed.

—We should strengthen the chances of wide adherence by non-nuclear states by providing for their involvement in the negotiating process, but we should choose a form of involvement that does not run the risk of unraveling the results of the trilateral negotiations.

—We should avoid submitting a CTB treaty to the Congress at a time when that might complicate ratification of either SALT or CTB.

We have devised a strategy which we believe satisfactorily reconciles these objectives.

—First, we would proceed expeditiously in the trilateral talks to resolve the remaining substantive issues. The Soviets have seemed eager to complete the talks and have continued to move toward our positions on all major issues, including our approaches on national seismic stations, on-site inspection procedures, and peaceful nuclear explosions. Prospects are good for settling outstanding issues during the next round. But rather than terminate the trilaterals at that time, we would plan to hold a final round at a later time, *aiming perhaps for late spring or early summer 1979*.

—Second, before this final round, we would undertake an extensive series of consultations with other states. We would begin with key Allies (France, FRG, Japan) and then proceed to other Allies and pivotal non-aligned countries (for example, India, Yugoslavia, Brazil, Sweden, Mexico, Nigeria). The purpose would be to explain and build support for the trilaterally negotiated text. We would expect to receive a number of suggestions for changes, and we, the Soviets, and British would decide whether any of these were acceptable when we got back together for the final round.

—A final decision on whether the treaty would go to the Geneva Disarmament Committee would be taken during the last trilateral

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–81–0202, Box 2, unlabeled Folder. Secret.

round. From the preceding consultative phase, we would gain a better understanding of how strongly others felt about taking the treaty to this multilateral body and how much difficulty we might have in protecting our interests there. We would make our decision based on gaining maximum international support, consistent with our own requirement for a realistic CTB.

The principal advantage of this approach is that it would enable us to nail down agreement with the Soviets soon without having either to proceed directly with ratification or to delay the process artificially. We would have the flexibility to decide how best to maximize other nations' support, and to adjust CTB timing to the SALT schedule.

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**215. Message From the White House Situation Room to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, September 14, 1978, 1203Z

FM The White House Situation Room. Sitto 124. To Dr. Brzezinski for the President. WH81232. Message to President Carter from Prime Minister Callaghan.

Dear Jimmy,

I believe you will be making important decisions about the Comprehensive Test Ban before the tripartite negotiations resume in Geneva on 28 September.

I know that your people have been giving a great deal of thought over the past weeks to some of the outstanding issues in the negotiations. I recognise that these raise difficult military and technical problems. But I am sure that, like me, you continue to believe that we must do all we can to bring the negotiations to a positive and satisfactory conclusion. The political benefits of a successful treaty could be enormous. The Wests' relations with the Soviet Union are not in good shape at present and a CTB treaty in the near future would do much to improve them. It would also be seen by the world at large as a major step forward in arms control. I am particularly anxious that it should be a treaty that will win the support of leaders of non-nuclear states like

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Presidential Correspondence with Foreign Leaders, Box 20, United Kingdom: Prime Minister James Callaghan, 6-9/78. Secret.



Prime Minister Desai and so help to prevent the proliferation of nuclear weapons.

If we are to achieve these political benefits, then the longer the treaty lasts the better. The longer it is, the more serious our commitment to a test ban will be seen to be and the more time we shall have to persuade other countries to sign it. Earlier this year we agreed on a treaty lasting five years. I know that for very good reasons you are now considering whether that period should be shorter. If you decide that you can no longer go for five years, then I very much hope that you will conclude that you need not go below four.

When we met in Bonn in July I said I was afraid that non-nuclear powers would be deterred from supporting a treaty if you found it necessary to make a statement that the United States would be likely to resume testing after the expiry of the treaty. I remain of that view. But I accept entirely the need to safeguard the future: none of us can foresee what the world will be like in four or five years time. Nonetheless, if you decide that it is essential to make a statement, I wonder whether it might be made in such a way as to limit its effect on the non-nuclear world. We have some ideas on how this might be done, and my people will be ready to discuss them with yours in the talks due to start tomorrow.

I believe that you will also be considering the question of permitted experiments. I think that the yield limit of 100 pounds which was mentioned to Gromyko<sup>2</sup> is low enough for us to be able to claim that the test ban really is comprehensive. But a higher limit would make the treaty appear to be a threshold treaty, which you and I have decided against, and this, I know, would be badly received by countries like India.

We might also be able to make the treaty more attractive to the non-nuclear powers if they saw the prospect of participating in a review conference which would give them a say on what, if any, further arrangements should follow the treaty when it ends. For this reason I believe that we should seek to give the conference the role of considering all possible options and that we should not appear to rule out at this stage any option, including an extension of the treaty. An approach of this kind would also be likely to help overcome our present differences with the Russians on the role of the review conference.

I look forward to hearing your views on these issues to which, I know, we both attach great importance.

With warm regards,

**Jim Callaghan**

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<sup>2</sup> See Document 212.

**216. Memorandum From Secretary of Defense Brown to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, September 19, 1978

I have the memorandum to the President from Secretary Vance and Paul Warnke on the CTB negotiations, dated September 2nd.<sup>2</sup> It raises serious concerns in my mind about the potential negative impact on SALT ratification which the proposed strategy may have.

As a procedure to consult with other nations to involve them in non-proliferation efforts, and as a way to control the timing of a presentation of a CTB treaty to Congress, the proposed strategy makes sense. However, I do not believe the strategy would work to prevent an early confrontation with Congress. As soon as a policy is enunciated on 3 vs 5 years, permitted experiments, and particularly on our intention on resumption of testing after the 3 or 5 years, there would be a response from the JCS and from at least the working levels of DOE. Opponents in Congress will then hold hearings, claiming that they have as much of a right to be consulted and to influence the text of the agreement as do the non-nuclear states. There will be testimony from the JCS and the laboratory directors that in their judgment such a treaty is not in the best interest of national security. Though others of us will be able to point out the stockpile reliability will not be degraded unacceptably in 3 or even in 5 years, the whole process will in my view make severe trouble not only for CTB but also for SALT ratification.

My own judgment is therefore that we should hold off on these decisions, instead pressing the Soviets further at the resumed CTB negotiations on the issue of verification and its relation to a duration clause. Moreover, I believe that we should further explore the idea of combining a comprehensive test ban of limited-duration with an unlimited-duration threshold test ban treaty at a substantially reduced yield.

If the President nevertheless decides to proceed as Cy and Paul recommend, I suggest that he make a decision only to go to a 3 (or 4) year duration, reserving until after SALT ratification any decisions on permitted experiments and on any softening of a resumption commitment.

**Harold Brown**

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330-81-0202, Box 53, A-400.112 TEST BAN (6 June-Dec) 1978. Secret; Sensitive; Eyes Only.

<sup>2</sup> See Document 214.

**217. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, September 19, 1978

**SUBJECT**

Future of the Comprehensive Test Ban Treaty Negotiations

Our trilateral talks with the USSR and UK will resume a week from Thursday, September 28. Progress in these talks requires the release of your decision setting a three year fixed term as our objective.<sup>2</sup>

Harold Brown and Zbigniew Brzezinski, and probably Jim Schlesinger, believe that release of this decision will cause a domestic debate which could prejudice SALT's chances. But the controversy is about your intent that the treaty be a genuine comprehensive test ban and not merely a lower threshold test ban. It won't be heightened by a cut-back from five to three years.

We have repeatedly affirmed to the Soviets and to the British that our objective is a comprehensive test ban. The resumed talks would be directed toward this end. But we cannot settle the verification issues, particularly the number and types of seismic stations, without a firm decision on duration.

Accordingly Cy Vance and I believe your decision on the three year term should be released and trilateral negotiations continued, following the strategy for securing multilateral support set forth in our attached memorandum.<sup>3</sup>

In our view, the only alternative would be now to approach the Soviets and the British and to tell them we have decided to suspend the CTB talks until after SALT ratification. We believe that to do so would cause far more controversy and difficulty than going ahead as we recommend.

The Soviets are already charging us privately with welching on a CTB. If we suspend the talks, there is no question of the fact that they will saddle us with the blame. The non-aligned countries, probably led by India, will complain that they have been misled and our non-proliferation efforts will suffer a severe setback. Domestically, there is both a Congressional and private constituency that puts a comprehensive test ban high on its priority list. These constituencies will be disap-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 1–12/78. Secret; Nodis.

<sup>2</sup> Not found.

<sup>3</sup> See Document 214.

pointed and vocal. The picture that will be painted is that the Administration has steadily retreated from a genuine test ban of indefinite duration to a ban of a fixed and limited period and now to the indefinite suspension of the talks.

From the standpoint of SALT, we feel that, if there is to be a confrontation about your reaffirmation that we are seeking a comprehensive test ban, it would be better to have that confrontation now, rather than having it smoldering during the critical stages of SALT.

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## 218. Message From President Carter to Prime Minister Callaghan<sup>1</sup>

Washington, undated

Dear Jim:

I appreciated receiving your message of September 14th on the CTB<sup>2</sup> and have carefully considered your views on the question of duration. I have not yet completed my review of all the CTB issues, but I would prefer that when the negotiations resume we should negotiate on the assumption that the duration of the agreement will be three years. I agree with you on the lower threshold. Further, assuming that the duration is three years, we should propose a network of ten simple seismic stations with a larger network deferred for consideration in the context of any negotiation of a follow-on agreement. I will keep in mind your suggestions regarding the CTB review conference provision and your views on the assurances I plan to give the Senate on resumption of testing.

I share fully your view on the importance of a CTB, and I am committed to achieving a CTB. But I want to be frank with you on the time-scale for completion of the negotiations. In my view, it is important, while we continue to make progress on CTB, that the trilateral agreement should not be concluded before a SALT II agreement. I know this will likely result in a somewhat slower pace than both of us had hoped.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Presidential Correspondence with Foreign Leaders, Box 20, United Kingdom: Prime Minister James Callaghan, 6–9/78. Secret. Transmitted via the Cabinet Line on September 25. Brzezinski forwarded a draft message to the President for his approval under a September 25 covering memorandum. (Ibid.) Carter initialed Brzezinski's cover memorandum and wrote "Zbig—ok as amended."

<sup>2</sup> See Document 215.

But I am now convinced that this is the soundest approach to assure favorable Congressional action on both the CTB and SALT agreements.

Sincerely,

Jimmy

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**219. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Vice President Mondale, Secretary of State Vance, Secretary of Defense Brown, Secretary of Energy Schlesinger, the Director of the Arms Control and Disarmament Agency (Warnke), the Chairman of the Joint Chiefs of Staff (Jones), the Director of Central Intelligence (Turner), and the Director of the Office of Science and Technology Policy (Press)<sup>1</sup>**

Washington, September 25, 1978

SUBJECT

Comprehensive Test Ban Instructions (C)

The United States Delegation to the Test Ban Negotiations should focus its negotiating efforts on achieving our objectives in the field of verification. For negotiating purposes, it should be assumed without commitment that the Comprehensive Test Ban agreement would have a fixed duration of three years and that in the final year of any agreement, there would be a review conference to determine whether to negotiate a replacement agreement.

In addressing the issue of verification, the United States Delegation can indicate that, assuming a three-year duration agreement, we would be willing to accept a network of 10 simple stations deferring a larger network with arrays for consideration in the context of any replacement agreement.

As these negotiations proceed, any changes in the Delegation's position on any remaining issues should be referred to the SCC for consideration and approval.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, James Schlesinger Papers, Subject File, Box 2, Energy Department, Comprehensive Nuclear Test Ban, General, 1978, Sept.–Oct. Top Secret; Sensitive.

There should be no multilateral CTB consultations without the approval of the President.

The Delegation should bear in mind that the President has decided to resume testing at the end of the agreement unless a vigorous safeguards program and studies indicate that this is not necessary.

**Zbigniew Brzezinski**

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**220. Memorandum From the Acting Chairman of the Joint Chiefs of Staff (Rogers) to Secretary of State Vance<sup>1</sup>**

Washington, September 26, 1978

SUBJECT

Nonproliferation Value of a Comprehensive Test

1. (S) The Joint Chiefs of Staff have carefully studied your memorandum of 10 July 1978,<sup>2</sup> subject as above. While they agree that proliferation of nuclear weapons is a serious national security issue, they remain unpersuaded by the evidence you have presented on the potential nonproliferation benefits of a Comprehensive Test Ban (CTB) of the type currently under discussion.

2. (S) The Joint Chiefs of Staff have been unable to establish to their satisfaction any causative relationship between a ban on nuclear testing and the cessation of the development of nuclear weapons by states without such weapon. They feel at this point that a nation's decision to develop nuclear weapons is dependent upon perceptions of vital self-interest, not upon the existence of a CTB. Further, they believe the benefits stated in your memorandum would be uncertain and debatable in the case of a CTB of unlimited duration, and that significant nonproliferation benefits would not be derived from the type of CTB now being considered by the United States—one of 3- to 5-year duration with an announced option to resume testing.

3. (S) Clearly, there are divergent views concerning the nonproliferation benefits of a 3- to 5-year CTB followed by resumption of testing. The Joint Chiefs of Staff believe that an interagency paper

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Comprehensive Test Ban Treaty #2. Secret. Copies were sent to Brown, Schlesinger, Brzezinski, and Warnke.

<sup>2</sup> See Document 211.

weighing the nonproliferation impacts and the national security risks of a CTB should be developed for consideration by the National Security Council. The Secretary of Defense has been so advised.

For the Joint Chiefs of Staff:

**Bernard W. Rogers**

*General, USA*

*Acting Chairman*

*Joint Chiefs of Staff*

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## 221. Memorandum of Conversation<sup>1</sup>

Washington, September 30, 1978, 9:45 a.m.–1:00 p.m.

### SUBJECT

Carter-Gromyko Plenary Meeting

### PARTICIPANTS

*U.S.*

The President

Secretary Cyrus R. Vance

Secretary Harold Brown

Dr. Zbigniew Brzezinski

Ambassador Warnke

Ambassador Toon

Mr. David Aaron

Mr. Reginald Bartholomew

Mr. William D. Krimer, Interpreter

*U.S.S.R.*

Foreign Minister A.A. Gromyko

First Deputy Foreign Minister G.M. Korniyenko

Ambassador A.F. Dobrynin

Mr. V.G. Makarov

Mr. V.G. Komplektov

Mr. A.A. Bessmertnykh

Mr. N.N. Detinov

Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to a comprehensive test ban.]

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Office, Presidential Advisory Board, Box 81, Sensitive XX: 9/20–25/78. Secret; Nodis. Drafted by Krimer. The meeting took place in the Cabinet Room at the White House. The conversation is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 150.

CTB

The President said he would like to see us move rapidly to conclusion of a complete test ban treaty.

[Omitted here is discussion unrelated to a comprehensive test ban.]

CTB

Gromyko noted that the CTB negotiations were indeed moving forward, but rather slowly. The main thing he would want to point out was that whenever the situation at these negotiations appeared to improve, US representatives would introduce new proposals that threw cold water on the whole process. There was a time when the United States had argued in favor of a five-year term for a CTB treaty. At that time the Soviet Union was more in favor of a three-year term, although it did not oppose five-years. It simply thought that it was easier to work out a three-year treaty. Then, quite suddenly, in the United States various officials began to assert that five years was too long, that such duration would interfere with certain national plans for testing nuclear weapons, while a three-year term would not. That position was hardly convincing. The Soviet Union had finally expressed agreement to the five-year term, but then the United States changed to three. All these zigzags were most perplexing and difficult to understand. The Soviet Union would take this into account in the future. For their part, the Soviets could also talk about national plans, but they stand on a different position. Things would be very difficult indeed were they to reply in kind. Nevertheless, since the United States had changed its position, obviously the Soviets would have to take this into account, because there were two other parties to the negotiations. Basically, they would like to see this agreement completed. It would be a limited agreement, of course, because apart from the three particular powers, other nuclear powers would not be signatories to the agreement. Nevertheless, it would have a positive impact on the international situation.

In conclusion, Gromyko said that these were the specific considerations he had wanted to convey to the President, and in general wanted to tell the President on behalf of the Soviet leadership and L.I. Brezhnev personally that the Soviet Union's policy was aimed at good relations with the United States and remained as set out and formulated in Brezhnev's message to the President.<sup>2</sup> The Soviet Union would do all

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<sup>2</sup> Just before this meeting, Gromyko handed Carter a message from Brezhnev. Carter "said that he found this letter to be interesting and constructive," and asked if he could "respond to it more directly in writing." (Memorandum of Conversation, September 30, 9:30-9:45 a.m.; Carter Library, National Security Affairs, Staff Material, Office, Presidential Advisory Board, Box 81, Sensitive XX: 9-20-25/78) The text of the message is *ibid*.



in its power to maintain and develop good relations with the United States.

[Omitted here is discussion unrelated to a comprehensive test ban.]

CTB

In this connection the President said that a three-year term for the treaty would suit us better. He hoped we were in harmony on this and would proceed to conclude the treaty without delay. He did not, however, want to conclude it before concluding a SALT Agreement. It would be better if he submitted a CTB Treaty to Congress together with a SALT Treaty. We believed that there should be no testing other than laboratory testing, and that there should be adequate verification.

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**222. Memorandum From the Director of Central Intelligence (Turner) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, October 6, 1978

SUBJECT

Comprehensive Test Ban Instructions

1. I have reviewed your memorandum of 25 September<sup>2</sup> concerning the change in our negotiating position for the current round of CTB talks in Geneva. I am very concerned about the decisions to reduce our requirement for internal seismic stations [*less than 1 line not declassified*] Since monitoring of Soviet compliance with a CTB will be the responsibility of the DCI, I am further concerned that I was not consulted on this decision prior to its implementation.

2. I recognize that the implementation of a full [*less than 1 line not declassified*] network [*less than 1 line not declassified*] might not be possible during the term of a three year treaty. I believe it to be unwise to immediately and unilaterally reduce our requirements until we have at least explored Soviet reaction to our three year treaty proposal. More-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB), 1–12/78. Secret; [*handling restriction not declassified*]. Copies were sent to Vance and Warnke.

<sup>2</sup> See Document 219.

over, establishing the right to have [*number not declassified*] stations [*less than 1 line not declassified*] is important in itself. If, for instance, the treaty were extended for a second three years, we would be without grounds for establishing any [*number not declassified*] over the six year period. [*2 lines not declassified*] I believe that it would impair the prospects for ratification if we had abandoned what might turn out to be a very useful element of verification.

Stansfield Turner

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## 223. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>

Geneva, October 13, 1978, 1858Z

15493. Exdis USCTB. Pass to DOE. Subject: CTB Negotiations: Status of Verification Issues.

CTB message no. 332

1. Summary. During the initial weeks of the current negotiating round, the US Delegation has devoted most of its efforts to pressing the Soviets to make early and favorable responses to US proposals on the remaining verification issues. In our three plenary statements and in many informal exchanges at various levels, we have emphasized the top priority we assign to verification, urged the Soviets to join us in concrete negotiations particularly on arrangements for national seismic stations (NSS), and stressed our view that verification measures must be effective regardless of the length of the treaty. While we have not yet gotten into detailed negotiations, there have been some promising signs that the Soviets may be preparing to get down to serious business in the near future. End summary.

2. Beginning with our opening statement on September 28,<sup>2</sup> we have tried to use every available opportunity, either in formal plenary sessions or in informal conversations, to emphasize the importance of getting down to detailed work on outstanding verification issues, especially NSS and OSI, and to call on the Soviets to respond favorably to

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780419-0887. Secret; Immediate; Exdis. Sent for information Priority to London and Moscow.

<sup>2</sup> The U.S. statement is available in telegram 14623 from Geneva, September 28. (National Archives, RG 59, Central Foreign Policy File, D780397-0007)

the proposals we have already put on the table. One obstacle to pursuing verification matters in the opening days of the round was the Soviet Delegation's initial reluctance to agree to proceed with the negotiations on the assumption of a three-year duration. This problem was compounded by the timing of Gromyko's discussions in New York<sup>3</sup> and Washington,<sup>4</sup> which the Soviet Delegation said made it difficult for them to give us a considered response to our proposed approach on duration. The Soviet Delegation has now confirmed that it is prepared to proceed on a three-year basis.

3. On-site inspection. All Delegations have recognized that, of the principal verification issues left, the question of OSI rights and functions is the one where we are closest to reaching agreement. However, the Soviets at first resisted specific discussions in the OSI working group, claiming that it was up to the US to adjust its OSI proposals to the shorter duration of three years. Heckrotte (US) vigorously rejected this idea on the grounds that the technical requirements for effective inspections were independent of treaty duration. In subsequent informal conversations, Neidle, Giller and other US Delegation members reinforced the position that it was illogical, and unacceptable, to cut back on OSI procedures because of a three-year duration. At the second meeting of the OSI working group, held after a delay of several days, the Soviets did not return to the theme that OSI procedures should be streamlined. Instead, they made a concrete and serious proposal on one of the significant technical OSI issues remaining, the question of position-fixing. Another encouraging development was Soviet Chairman Petrosyants' remarks to US Reps Johnson and Neidle on October 12 that the question of OSI rights and functions should move rapidly to agreement. Sov Dep Rep Timerbaev also confirmed to Neidle on October 12 that OSI rights and functions would not be affected by whether there was a three, as opposed to a five, year duration.

4. National Seismic Stations (NSS). We have told the Soviets that we consider NSS to be the most important issue left in the negotiations. We have made clear that they owe us responses to our proposals on the technical characteristics of the stations and on procedures for site selection, installation, and maintenance. On October 11,<sup>5</sup> we tabled the locations for our revised 10-station network, emphasizing that the question of NSS numbers was the only verification issue that required revision

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<sup>3</sup> Gromkyo and Vance met in New York on September 27 and 28 during the UN General Assembly meeting. See *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 148.

<sup>4</sup> See Document 221.

<sup>5</sup> The proposed locations for National Seismic Stations are in telegram 15307 from Geneva, October 11. (National Archives, RG 59, Central Foreign Policy File, D780416–0174)

in light of the move to a three-year duration. Subsequent informal conversations, including US rep Johnson's conversation with Timerbaev October 12,<sup>6</sup> have stressed that we view agreement on high-quality NSS arrangements as a prerequisite to the successful conclusion of a CTB treaty. In separate conversations, Neidle strongly encouraged Chairman Petrosyants and Timerbaev to reply soon to our proposal for 10 stations, and urged that the Soviet Delegation make as positive a response as it is authorized to make, rather than simply come back to us with a counterproposal reduced for negotiating purposes. Neidle stressed that agreement on a good NSS network was of the greatest importance and that the highest levels of the US government were watching to see the Soviet response. Finch, Givan and other US Deloffs have conveyed similar messages to Soviet counterparts.

5. On October 12 Sov Deloff Slipchenko, after being pressed by Einhorn on when Sov Del would get down to business on NSS, indicated that his Delegation was giving active consideration to a response on numbers, and thought they might be in a position to make a counterproposal as early as next week. Tarasov separately confirmed to Finch that Sov Del planned to present its NSS position next week, although not as early as at the NSS working group meeting on Oct. 16.

6. In a number of recent conversations, the Soviets have begun stressing the notion that it is hard to justify the burdens of NSS for a three-year treaty that might not extend. We have tried to discourage them from thinking that there is mileage in that argument. Finch argued with Tarasov that an effective NSS program could be even more important with a three-year duration, since we would be facing decisions in the third year regarding future CTB limitations. If the NSS program had gone well, it would not only make a direct contribution to verification of the initial treaty but—as evidence of our countries' ability to succeed in a cooperative verification effort—it could contribute to a positive climate and increase the prospects of decisions to have CTB beyond three years. For these reasons, Finch thought the US position was sound, that there should be no compromise in qualitative aspects of NSS, and he urged a positive Soviet response soon.

7. When Timerbaev told Neidle that there was resistance on the Soviet side to accepting a large NSS network for a treaty which might end after three years, Neidle responded that he saw no prospect of getting off the ground with any treaty without a good NSS network; nor did he see prospect for continuing with a CTB after the initial duration if such a network had not been established.

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<sup>6</sup> The October 12 Johnson-Timerbaev discussion is recorded in telegram 15493 from Geneva, October 13. (National Archives, RG 59, Central Foreign Policy File, D780419-0887)

8. Chemical explosions. On October 9, we presented our proposal regarding prenotification of large chemical explosions.<sup>7</sup> The Soviets have indicated to us informally that they will not be able to respond right away since they do not have people with the necessary expertise on their Delegation. They say that Soviet officials will have to do research regarding such factors as the frequency and purpose of chemical explosions in the USSR that would be covered by the prenotification provision.

**Johnson**

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<sup>7</sup> The October 9 proposal on chemical explosions is in telegram 15236 from Geneva, October 13. (National Archives, RG 59, Central Foreign Policy File, D780414–0530)

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**224. Letter From Ambassador-at-Large and U.S. Special Representative for Non-Proliferation Matters Smith to President Carter<sup>1</sup>**

Washington, December 21, 1978

Dear Mr. President:

You have charged me with coordinating your Administration's efforts in the nonproliferation field. One of the heaviest burdens that nonproliferation policy carries is the continued absence of progress on a comprehensive test ban. I think we must face up to the prospect of defections from the Nonproliferation Treaty if a CTB is not reached before the Treaty comes under review at a conference in the spring of 1980. I can think of no greater threat to the security of our country than such an unravelling of the ties that keep a number of nations from going for nuclear weapons.

Among the direct benefits of such a treaty could be binding legal commitments by nations such as India, Pakistan, South Africa, Israel, and Egypt not to conduct nuclear test explosions. In the case of India, this would codify the policy position taken by the present Prime Minister against any repetition of the 1974 explosion; in the case of South Africa, it would reinforce the assurances given by the Prime Minister in

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–81–0202, Box 53, A–400.112 TEST BAN (6 June–Dec) 1978. Confidential. Copies were sent to Vance, Christopher, and Brown.

1977 that his government would not carry out nuclear weapon tests; and in the case of Israel, Egypt, and Pakistan it would not only constrain weapons development, but inhibit demonstration of a nuclear weapons capability.

To the extent that other states, such as Argentina and Brazil, assert that their present treaty obligations do not preclude “peaceful” nuclear explosions, a Comprehensive Test Ban Treaty would provide a nondiscriminatory vehicle for removing any ambiguity on this point.

While these benefits would, of course, depend on gaining the adherence of these states to a CTB, all but two of them (Argentina and Pakistan) joined the Limited Test Ban Treaty, and Prime Minister Desai has indicated willingness to join a nondiscriminatory CTB.

More generally, achievement of a CTB would be of material help in meeting demands for balancing the restraint we are asking of non-nuclear weapon states by placing long promised constraints on vertical proliferation. This step appears indispensable to an Indian decision to accept full-scope safeguards, and it clearly is crucial to the success of the conference to be held in mid-1980 to review the operation of the NPT, as well as to our ability to avoid the deterioration of that pillar of our nonproliferation policy.

I urge you to include among the nation’s New Year’s resolutions a determination to get a significant comprehensive nuclear test ban in 1979. The prospects for success of your nonproliferation policy would then be substantially improved.

Respectfully,

**Gerard Smith<sup>2</sup>**

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<sup>2</sup> Smith signed the letter “Gerry.”

**225. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, January 9, 1979

**SUBJECT**

Non-Proliferation and the CTB (C)

In the attached letter,<sup>2</sup> Gerry Smith states his view of the linkage between US non-proliferation goals and a CTB. He concludes that the Non-Proliferation Treaty (NPT) will be seriously endangered if a CTB agreement is not reached before the international NPT Review Conference scheduled for June 1980. (C)

It is already clear that there will be two contentious issues at the NPT Conference: the failure of the nuclear suppliers to live up to their obligations under Article IV and Article VI of the Treaty. Article IV involves the “right” of all parties to the “fullest possible exchange” of materials and technology for the peaceful uses of nuclear energy. The efforts of the London Suppliers Group and of unilateral US policy make this a particularly sensitive issue. Article VI pledges the parties to pursue measures to end the nuclear arms race. Debate will focus on the success or failure of the major powers in reaching SALT and CTB agreements, and on the adequacy of the provisions of these agreements. Some countries will argue that enough time has now elapsed to prove that by failing to control the nuclear arms race, the weapons states do not intend to live up to their half of the NPT bargain, and that the Treaty should therefore be abandoned. (C)

Certainly a CTB agreement will make the Review Conference much easier for us. Beyond this, it is difficult to judge whether Gerry is accurate in predicting the consequences if we fail to reach a CTB agreement by then. (C)

**RECOMMENDATION:**

That you read Gerry Smith's letter. (U)

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield Subject File, Box 42, Proliferation: Comprehensive Test Ban, 1/79–10/80. Confidential. Sent for action. Aaron initialed the memorandum for Brzezinski. Carter initialed the top right-hand corner of the memorandum indicating that he saw it.

<sup>2</sup> See Document 224.

## 226. Telegram From the Department of State to the Embassy in the United Kingdom<sup>1</sup>

Washington, January 19, 1979, 0045Z

14457. Subject: CTB Negotiations: UK Statement at US/UK Bilateral Meeting, January 17, 1979.

Following is the text of the opening statement presented by Ambassador John Edmonds, CTB Delegation leader, during the US/UK bilaterals held in Washington on January 17–18, 1979. Begin text:

1. On 14 September,<sup>2</sup> during our last bilateral consultations in Washington, I set out what we saw as the important outstanding issues facing the United States and British Governments in the Comprehensive Test Ban Negotiations. They were:

- A. The duration of the treaty;
- B. The question of what happens after the initial duration;
- C. Permitted experiments;

D. The verification arrangements, including the National Seismic Stations required for a treaty of relatively short duration.

2. For various reasons, the last round of negotiations, from 29 September to 14 December, was not very productive. There was definite progress only on the first of these four issues. The US proposal that negotiations should proceed on the basis of a three-year treaty was accepted by the Russians—and by the UK, although we stressed that our final position on duration would depend on the entire treaty package. The other three issues are still before us, and we look forward to a full discussion of them today and tomorrow.

NSS in the UK and dependent territories.

3. NSS is the subject on which there has been the greatest change since September. I think it fair to say that the Soviet proposal of 27 No-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790026–1078. Secret; Priority; Exdis. Sent for information to the Mission in Geneva and Moscow. Drafted by Barbara Schrage (ACDA/MA); cleared by Joseph Hulings (S/S); and approved by Thomas Davies (ACDA/MA).

<sup>2</sup> Telegram 234612 to London, September 15, reported the UK Government's position on the CTB negotiations. Edmonds said his government had four objectives: to "curb the development of new types of nuclear warheads by the nuclear weapon states without adversely affecting Western security;" to "contribute to the improvement of East/West relations;" to "show the world that 3 nuclear weapon states are capable of giving practical effect to their long-standing commitment to genuine measures of arms control;" and to "make a worthwhile contribution to our non-proliferation objectives by attracting the support and adherence of important non-nuclear weapon states, especially those who are not parties to the NPT." (National Archives, RG 59, Central Foreign Policy File, D780376–0747)



vember<sup>3</sup> for ten NSS in the UK and dependent territories took all concerned, British and American, by surprise. Maybe we should have realized that the Russians might interpret their principle of “equal obligations” in literal mathematical terms, without serious regard to the usefulness of NSS for monitoring British compliance with the treaty. Anyway, that is what the Russians have done, apparently after considering the whole NSS issue at a very high level.

4. I said in Geneva that we do not intend to create unnecessary difficulties over the Soviet proposals for NSS in the UK and dependent territories. I also stressed that the proposals are different in kind from those for NSS in the USA and USSR. The proposals have since been very thoroughly examined in London. Although we have looked at them positively, they present a complex series of problems—constitutional, technical, financial and logistic. I have copies for you of a working paper<sup>4</sup> reviewing theoretically possible locations for NSS in the UK and in all our dependent territories, including those not on the Soviet list. We hope you will have time to look at this and let us have some comments before we leave Washington.

5. The position so far is that British Ministers are willing in principle to accept at least one NSS in the UK and probably one or two in dependent territories. A final British commitment to these or any other specific number or locations will be subject to clarification of the technical and financial implications.

6. However, it is the Soviet proposal for as many as nine NSS in UK dependent territories which raises the serious problems:

A. Some of the territories suggested by the Russians are politically unsuitable; two of them are independent and two others soon will be, and other objections are noted in the paper I am giving you.

B. The Soviet view of “equal obligations”—that the UK, like the US and Soviet Union, should accept ten NSS—is questionable, since the UK is not seeking independent verification rights in the Soviet Union. An equally good case could, for instance, be made for equality of obligations between east and west: i.e., ten NSS in the USSR and ten in the west divided between the US and UK. One might even turn the equality concept against the Russians by proposing that each SVA party could have the right to five NSS in the territory of each of the other two.

C. The most important difficulty is the absence of any verification case for NSS in UK dependent territories. NSS are needed to supple-

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<sup>3</sup> The Soviet proposal is in telegram 18185 from Geneva, November 27, 1978. (National Archives, RG 59, Central Foreign Policy File, D780488–0912)

<sup>4</sup> Not found.

ment national technical means for monitoring the large land areas of the Soviet Union and the United States. But the total area of UK dependent territories is very small. Soviet satellites can observe these territories and seismic monitoring can be deployed close to them, so that even if testing were likely, it could readily be detected without NSS. Indeed, the Russians have admitted that they want NSS in UK and dependent territories for political, not technical, reasons.

D. We have nevertheless considered all our dependent territories as possible sites for NSS. Most of the territories are seismically entirely unsuitable: in many cases NSS would only be of use in relation to events within a few tens of kilometers. The costs of NSS could not be justified on verification grounds. And there are dangers in accepting technically useless NSS: for example degrading the criteria for selection of NSS sites in the Soviet Union and thus discrediting the value of the whole NSS system.

E. Finally, many dependent territories are remote and lack facilities. I shall return to this aspect in a moment.

7. We have identified several possible British responses to the Soviet proposals. Some would be suitable for use when the negotiations resume, one objective being to probe how serious the Russians really are in proposing so many NSS in UK dependent territories and to discover their minimum position. Some other options may be more appropriate as fall back positions for a later stage.

Each option has advantages and disadvantages, some of which I shall mention. We have not yet decided which options are best. On the basis of our discussions here, Ministers will be consulted as soon as we return to London. The options are:

A. To challenge the Soviet interpretation of "equality", on lines I have already indicated.

B. To say that we have no objection in principle to NSS in UK and dependent territories, but that we have only identified about three locations which, as well as being constitutionally appropriate, have any verification value. Subject to Soviet reactions, we could later say that we are willing to discuss without commitment other constitutionally appropriate locations where we so far have seen no verification value.

C. The same as option B, but with the UK undertaking a purely nominal "obligation" to accept up to ten NSS, although not all would actually be installed.

D. To offer a number of NSS including some in independent commonwealth countries, subject to their agreement. Two possibilities for consideration might be Australia (where the UK has conducted nuclear tests) and Canada; these countries offer much better seismic sites than could be found in UK dependent territories. Under this arrangement it

would be particularly appropriate for data to be made available to the International Seismic Data Exchange, thereby enhancing its role and reducing criticism of the exclusiveness of the SVA.

E. To offer less than ten NSS but including some stations with arrays of seismometers, and therefore superior performance to simple NSS, as compensation for the reduced number.

F. To offer NSS at sites of our choosing in UK and dependent territories. The paper I am giving you about all the possible locations suggests that we could offer ten without unacceptable political or security consequences. The big disadvantage of this option is that there is no verification case for the very considerable effort and cost.

8. We are concerned about costs. Since many of the possible locations in UK dependent territories are isolated and lack the most basic facilities, NSS would be particularly expensive to install and operate. Costs might be divided in various ways under the SVA. The possibilities include:

A. Each party pays all the costs of those NSS which it requires on the territory of others. We should prefer this solution but the Russians could be expected to resist it strongly, since they are seeking 20 NSS in the west against ten in the Soviet Union.

B. Each side pays all the costs for NSS on its own territory. If the UK agreed to accept an equal number of NSS, this course would be unfavorable to the UK because of the higher cost of installing NSS in remote places with bad communications and other facilities.

C. Each side pays one third of the total cost of all NSS. But all parties might be unwilling to share in costs they could not control.

D. Some split arrangement, for instance—each party pays the real estate cost of NSS on its territory plus maintenance and manning, and the other two parties share the costs of the seismic equipment, its installation and data retrieval.

9. It would be helpful to have your estimate of the capital costs of the equipment itself and its installation at a typical site in the United States. This would help us to estimate how much more expenditure would be required because of the remoteness and lack of facilities of some of the sites in UK dependent territories.

10. We look forward to discussing the negotiating options and the general principles underlying NSS in the UK and dependent territories with you before our experts examine the technical issues involved. One of the points on which we would welcome your views is how we should keep up the pressure on the Russians to reveal more of their position on the technical characteristics and timetable for installation of NSS, while discussion continues on numbers and locations in all three countries.

What happens after three years?

11. I described here on 14 September the British Government's continued belief that we should leave all our options open. Since then we have regularly advocated early tabling of fresh language for the review conference, and the Russians have repeatedly asked for it. We very much hope that you can very soon propose to us a formula which leaves all the options open and is likely to be negotiable with the Russians.

12. I should also like to recall the British Government's close interest in any statement about US intentions to resume testing at the end of a three-year comprehensive test ban. We still believe that such a statement could undermine the effectiveness of the treaty and deter a number of non-nuclear weapon states from adhering. We hope that, if the US Government feels it necessary to make a statement about resumption of testing, this will be sufficiently qualified to minimize the disadvantages.

Permitted experiments.

13. I turn now to permitted experiments. We have been considering further the position you reached last May that experiments at minimum yield levels should be permitted under a CTB. We have since been told that the yield limit will be 100 pounds. I can confirm that the UK supports your general position. British Ministers have not yet taken a decision regarding any British program of experiments. We should now like to discuss various aspects of the subject, including its relevance to the adherence of non-nuclear weapon states to the treaty.

14. In particular, we should be interested to hear whether your studies on this subject cover both civil and military experiments; and whether you have reached any views on the conditions and locations for conducting permitted experiments.

15. In the negotiations, the Russians have been pressing for clarification of the statement about permitted experiments in your working paper of 7 December 1977. We cannot therefore avoid returning to the subject in Geneva. In our view, permitted experiments should not be mentioned in the treaty. Moreover we think the Russians have no interest even in an informal understanding. If they expressly dissented from a US statement that small experiments would continue to be permitted, this might weaken the legal case for conducting the experiments. It might therefore be best to go for a low-key unilateral statement in the negotiations, which would be designed to pass without contradiction by the Soviet Union.

16. We take it that the US program of permitted experiments is certain to become public knowledge as an element in your package of safeguards. The intention that such experiments should continue under a CTB is certain to be criticized by some non-nuclear weapon states.

Some may use it to justify a refusal to adhere to a short term treaty. We will need, with both the NNWS and the public, to insist that permitted experiments under 100 pounds yield are not nuclear tests in the accepted sense of the term and anyway cannot be monitored. We should explain that the CTB is not intended to restrain research except where that involves nuclear weapon test explosions or peaceful nuclear explosions. We should seek to convince any critics that permitted experiments will not serve the development of new designs for nuclear warheads. But these arguments may be challenged by the well-informed; we should be interested in how you propose to deal with this.

Conclusion.

17. We are ready to discuss with you other current issues in the negotiations as well. These include technical aspects of on-site inspection; the question of an agreed understanding about on-site inspection requests; chemical explosions; and the multilateral handling of the CTB treaty after the tripartite negotiations.

18. When we return to Geneva we should aim quickly to get to grips with the Russians on the difficult problems of NSS and the role of the review conference. We want to try to negotiate on more than one problem at a time in the next round, in order to move forward as quickly as we can. We shall need to re-emphasize to the Russians our determination to achieve a comprehensive test ban without undue delay. As long as they have any reason to doubt our resolve, there is less incentive for them to be flexible especially on verification.

19. I should like to sum up as far as possible in terms of action.

A. We are here to seek your views on our response to the Soviet proposals for NSS in the UK and dependent territories. We shall then prepare a position for putting to the Russians early in the coming round of negotiations.

B. We believe that the UK and US should persuade the Russians to negotiate on all other NSS issues, concurrently with the consideration of NSS in the UK and dependent territories.

C. We believe that the US and UK should propose revised language for the review conference early in the next round. We look forward to your proposals for this.

D. We believe that it will be desirable to say something to the Russians about permitted experiments in the course of this next round. Again, we look forward to your views on this.

E. Finally, we should also like to hear your latest thinking on the desirable timetable for the CTB negotiations. End text.

**Vance**

## 227. Options Paper Prepared by the Special Coordination Committee Working Group<sup>1</sup>

Washington, January 23, 1979

### COMPREHENSIVE TEST BAN NEGOTIATIONS: THE REVIEW CONFERENCE

This paper considers options with regard to legal formulas that the US might propose for the CTB treaty's review conference provision.

#### *Background*

In May 1978, the President decided that the CTB should have a fixed duration, that there should be a review conference in the final year of the treaty to determine whether to negotiate a replacement treaty, and that any further agreement should be submitted to the US Senate (PD-38).<sup>2</sup> To implement this decision, the US and UK Delegations in June<sup>3</sup> proposed the following three sections of illustrative treaty text:

(1) This Treaty shall remain in force for . . . years.<sup>4</sup>

(2) During the . . . year<sup>5</sup> after the entry into force of this Treaty, the [Depositary/Depositary Governments] shall convene a conference of the Parties to review the operation of the Treaty and to consider the question of whether there should be a replacement Treaty.

(3) Any decision on this question shall be made by a majority of the Parties to the Treaty, which majority shall include all Parties that are Permanent Members of the Security Council of the United Nations.

The Soviets have accepted the first and third sections, but in the August 10 plenary and subsequently, they have rejected the "replacement treaty" formulation. The Soviets say they recognize that the US is not willing or able to commit itself beyond the three year period, and that it must therefore keep all options open for that period. But they in-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 101, SCC 128, CTB, 2/1/79. Secret. The paper was attached to a January 24 cover memorandum from the NSC Staff Secretary, Christine Dodson, to Vance, Brown, Schlesinger, Warnke, Jones, and Turner.

<sup>2</sup> See Document 200.

<sup>3</sup> The U.S.-UK illustrative treaty text is in telegram 9710 from Geneva, June 26, 1978. (National Archives, RG 59, Central Foreign Policy File, D780265-0119)

<sup>4</sup> It was subsequently decided that the negotiations would proceed on the assumption of a three year duration. [Footnote is in the original.]

<sup>5</sup> It was subsequently decided that the negotiations would proceed on the assumption of a three year duration. [Footnote is in the original.]

sist that language be used which recognizes the possibility of extending the comprehensive treaty, under certain conditions.

Under the formulation that the Soviets proposed in July, 1978,<sup>6</sup> the review conference would be convened to “review the operation of the Treaty and to consider the question of extending it, depending on whether any states not Party to the Treaty will conduct nuclear explosions”. Aside from the question of “extension”, the Soviet formulation is deficient in that it heavy-handedly points a finger at France and China, which we are unwilling to do on broad policy grounds, and it highlights one possible reason for discontinuing the treaty to the exclusion of reasons that might be more relevant, to U.S. security interests.

The Soviets have said that, just as the question of seismic stations is the most important remaining issue for the United States, the most important issue for them is finding a mutually acceptable formula for this clause (informal trilateral meeting, November 28). Soviet Delegation chairman Petrosyants stressed in the final plenary meeting in December that this issue is “also of great importance in terms of finding mutually acceptable solutions to verification issues, and in particular to the issue of national seismic stations”. Proposing a solution to the “replacement treaty problem” and the construction of a new review conference formulation at the beginning of the next round could, therefore, put us in a stronger position to insist that the Soviet Delegation respond to our proposals on the technical characteristics of national seismic stations.

In addition, the British have frequently criticized the “replacement treaty” formulation (they agreed only reluctantly to table it last June), and have urged the US to put forth a new formulation. The British Delegation that visited the US on September 14 requested that the US alter its proposal, and suggested a formulation referring to treaty arrangements following the period of three years. We said then that we would keep the British suggestion under review. In December, the British restated their belief that it would be necessary to propose a new formulation on this issue in order to induce the Soviets to be more forthcoming on verification. They said that a number of possible formulations could meet our needs, including one that authorized the review conference “... to consider the question of any future treaty arrangements”.

### *Objectives*

Our objectives are as follows:

—*to promote US national security by protecting all options for the period beyond three years.* The President has decided to state his intention to re-

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<sup>6</sup> The Soviet proposal is in telegram 11490 from Geneva, July 26, 1978. (National Archives, RG 59, Central Foreign Policy File, D780306–0771)

sume testing after the expiration of the treaty unless a vigorous safeguards program and studies indicate that resumption is not necessary. The review conference formulation therefore should not create a barrier either to having no treaty obligations beyond three years, to having different treaty provisions, or to having the same treaty provisions.

—*to permit the US to carry out the President's commitment that any further agreement on testing limitations after the three year period would be submitted to the Senate for approval.* We would insist on seeking Senate advice and consent on any subsequent treaty obligation regardless of whether other treaty parties would be required to obtain legislative approval in their countries.

—*to find a formula, consistent with these objectives, that is more likely to be negotiable with the Soviets and British.* The Soviets have stressed that the language must at least provide for the *possibility* of extending the same comprehensive treaty.

—*to increase the prospects for adherence to the treaty by non-nuclear weapon states.* Non-nuclear states may be less likely to join the treaty if the review conference formulation unnecessarily provokes questions about whether certain nuclear weapon states are already tilted against having a treaty after three years.

—*to avoid singling out the question of French and Chinese testing in relation to the function of the review conference.* We might want to refer to factors affecting the concerns of individual nations, but if we did so, we would want to broaden the phrase to reflect other relevant factors.

In examining alternative review conference formulations, it is important to bear in mind the extent to which our interests are protected by provisions that have already been agreed in the negotiations. For example, by virtue of language to which the Soviets have already agreed, the treaty will have a three year duration. Therefore, US agreement would be required for any treaty obligation regarding prohibitions after that period, and we would only accept such obligations with Senate approval. In connection with the tabling of any new review conference language, we would reaffirm formally that such prohibitions would be submitted for a new approval by the US Senate.

In addition, it is already agreed that the review conference cannot take any decision on the period beyond three years without the approval of all parties that are Permanent Members of the U.N. Security Council. Thus, it is clear that the treaty will simply expire at the end of three years and no new arrangement will follow unless the U.S. agrees to it. Before the review conference, we would conduct private consultations with the UK and USSR to coordinate a nuclear weapon state position. Regardless of the outcome of these consultations, we will have a veto over actions by the review conference.



*Options*

Our present review conference language (“to consider the question of whether there should be a replacement treaty”) is directly based on language used in PD–38. One approach is to stick with this formulation in the negotiations. Another is to hold to the present formulation but, at an appropriate time, to pursue an agreed understanding with the British and the Soviets to clarify that the intent of the treaty language is to assure that all options are open regarding the future of the treaty. Alternatively, we could decide to propose a new formulation, inserting one of the phrases listed below after the words “review the operation of the treaty and”.

*Option “A”*

“consider the question of extending its provisions”

*Option “B”*

“consider the question of subsequent treaty prohibitions”

*Option “C”*

“consider the question of whether there should be future treaty arrangements”

While there are many more possible variants, the above options represent a range of formulations which would demonstrate some movement if we decide to change our review conference proposal. Option “C” closely parallels the latest British suggestion (p. 4) and would involve the least change in the PD–38 language. On the other hand, Option “A” uses the word “extending” and represents greater contrast with the language used in PD–38 than do the other two options. Option “B” drops the conditional “whether” and uses the term “prohibitions” rather than the broader word “arrangements”.

*The dependent clause*

Regardless of which option is selected, there is agreement that it would be advantageous to propose a final clause to the review conference provision, as follows:

“, taking into account all relevant factors.”

The Soviets have proposed a final clause that refers specifically to the question of continued testing by non-parties. The clause set forth above is broad enough to reflect our stockpile reliability concerns and may simultaneously meet a Soviet need for some reference to testing by non-parties.

## 228. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, February 1, 1979, 10:30–11:15 a.m.

### SUBJECT

Comprehensive Test Ban

### PARTICIPANTS

#### *State*

Secretary Cyrus Vance  
Jerry Kahan Dep Director, Bureau  
of Politico/Military Affairs

#### *Defense*

David McGiffert Asst Secretary  
for International Security  
Affairs

#### *Energy*

Secretary James Schlesinger  
Duane Sewell Asst Secretary for  
Defense Programs

#### *JCS*

General David Jones  
General Edward Giller

#### *ACDA*

General George Seignious  
Spurgeon Keeny, Deputy Director  
Herbert York (CTB Delegation  
Chairman)

#### *White House*

David Aaron

#### *NSC*

Reg Bartholomew  
Ben Huberman

#### *OSTP*

Frank Press  
John Marcum

#### *DCI*

Dr. Robert Bowie  
[name not declassified] Chief,  
Nuclear Energy Division

The purpose of the meeting was to review the status of the negotiations and develop guidance for the resumption of the talks on February 5. The main issue for decision was whether we should change our position on the CTB review conference provision.

In beginning the meeting, David Aaron welcomed Herb York as the new CTB Delegation chairman and asked George Seignious for an update on the negotiations. Seignious briefly summarized the results of the Fall session, noting that although the Soviets had agreed to a three year duration and a 10 station NSS network, little progress had been made on the detailed verification issues. In his view the main task now was to nail down effective NSS provisions and a new review conference provision could be helpful in this regard.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 101, SCC 128, CTB, 2/1/79. Secret. The meeting took place in the White House Situation Room.

Aaron stated without objection that there was agreement on how to proceed on the other issues. This would involve continuing to defer discussion of permitted experiments in the negotiations, maintaining our positions on the OSI and NSS verification issues, and responding positively to the Soviet proposed NSS network in the US.

There was also general agreement with Cy Vance's observation that a long period of negotiations lay ahead and that it was clearly undesirable to go to the Hill on CTB before SALT is ratified. He noted that major differences remained on NSS issues such as the location of stations, equipment design and who would manufacture it, as well as data transmission. Similarly difficult OSI issues remained and in the best of all worlds, he could not see winding up trilateral agreement until sometime approaching early Fall.

Aaron noted that the review conference issue should be considered in the context of the burden of proof or presumption regarding extension of the treaty, and the relationship of the review conference provision to other nuclear weapon states, particularly the Soviet effort to use the provision for leverage in France and China. He then asked for views on the three options developed by the Working Group. There was agreement that the formulation selected should end with the phrase "taking into account all relevant factors" to attempt to get the Soviets to drop their linkage of extension to whether France and China continue testing.

Seignious favored an option which referred explicitly to "extension" of the treaty. However, Frank Press noted that in his view a more neutral formulation, "to consider the question of whether there should be future treaty arrangements" was more consistent with the President's objective of providing a credible opportunity to resume testing. Bob Bowie stressed that in the long term [*less than 1 line not declassified*] was somewhat concerned about any reference to extension.

Dave Jones, noting the Chief's concerns about both verification and reliability, preferred to stick with our current position, but could support the "arrangements" approach if a shift was needed for policy reasons. Dave McGiffert and Jim Schlesinger also favored the "arrangements" approach.

Cy Vance supported Seignious' position but offered a compromise formulation using the term "renewal" instead of "extension." Aaron suggested that "modification" also be included and a near-consensus was reached on "to consider the question of renewing its provisions and any modifications." Schlesinger and McGiffert were willing to accept this as a backup to the "arrangements" approach, but Dave Jones was concerned that the compromise changed the tone of "whether there should be arrangements." He reserved his position and asked for

more time to study the language. (Jones subsequently informed the NSC that the JCS recommend against this compromise.)

Aaron concluded the meeting by confirming that the “arrangements” approach was acceptable to all though some preferred going beyond this and others preferred our current position. He stated that this would be reported to the President along with the compromise formulation, noting that some preferred this approach while others could either support it as a backup or had reserved their position. At their request, he also agreed to note that Vance and Seignious preferred the “extension” formulation.

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## 229. Editorial Note

The United States, the Soviet Union, and the United Kingdom (UK) continued to meet in Geneva over the next 2 months to discuss a Comprehensive Test Ban (CTB), but they made little progress, in particular on the issue of on-site inspection of testing sites. Secretary of State Cyrus Vance sent UK Foreign Secretary David Owen a letter noting that a “deadlock” had developed because the UK government had approved the construction of only one National Seismic Station (NSS) on British soil. Vance acknowledged that the United States sympathized “with the problems that your government faces on the NSS question. But it seems quite clear now that this stalemate could go on indefinitely” since the Soviets had agreed to allow ten stations on their soil, which Vance described as “the most intrusive verification arrangement in any arms control agreement to date.” Vance also instructed the U.S. Ambassador to the UK, Kingman Brewster, to tell the UK government that “we believe it would probably require a British proposal to move more than halfway toward the Soviet position if we are to have any hope of getting the Soviets to be more flexible on this issue.” (Telegram 100316 to London, April 21; National Archives, RG 59, Central Foreign Policy File, D790182-1031)

CTB discussions also took a back seat in overall arms control negotiations as Washington and Moscow spent much of the spring finalizing the Strategic Arms Limitation Talks II treaty. For more on these discussions, see *Foreign Relations*, 1969-1976, vol. XXXIII, SALT II, 1972-1980, Documents 235-238.

Meanwhile, the political position of the ruling Labour Government in the United Kingdom had become precarious after Prime Minister James Callaghan lost a vote of no confidence on March 28, 1979,

which forced him to call a general election for early May. On April 23, Brewster said that if Labour won the election, the administration could expect the UK “to move ahead on the CTB.” If the Conservatives won, however, Brewster predicted “we cannot expect an early UK move on NSS, and should not, in my view, expend too much of our influence trying to elicit one. Important as progress toward a CTB is, there will be other more immediately pressing issues on which we will want to bring the new British government along, such as Southern Africa and SALT. I believe that we have a chance to secure Conservative government co-operation on these issues, and on CTB.”

Brewster warned, however, that the Conservatives “will want to take a fundamental look at the CTB. Their first and preeminent concern will be that such a ban not inhibit Britain’s future as a nuclear power, nor foreclose any of the options which a Conservative government will be examining in its early months for the maintenance of such a British role through the end of the century.” The last thing the United States should do, Brewster stressed, was “have them learn that the US had sought, only a few days before a change in government, to modify the UK position, apparently siding with the Soviet Union” on the issue of NSS. He recommended that he delay delivery of the message contained in telegram 100316 to London until after the election. (Telegram 7959 from London, April 23; National Archives, RG 59, Central Foreign Policy File, D790186–0104) Vance agreed with Brewster, and on April 26 instructed the Ambassador to deliver a note on NSS to “the Senior Career Level of the FCO” rather than the Foreign Secretary. (Telegram 104658 to London, April 26; National Archives, RG 59, Central Foreign Policy File, D790190–0244)

On May 4, the Conservative Party under the leadership of Margaret Thatcher won the general election and assumed power. A week later, President Jimmy Carter wrote a congratulatory letter to the new Prime Minister and, while he did not directly raise the CTB issue, he promised to “work closely with all the NATO allies” on SALT, other arms control issues, and “future nuclear cooperation.” (Carter Library, National Security Affairs, Brzezinski Materials, Brzezinski Office File, Box 15, Great Britain: 9/78–5/79)

**230. Memorandum From Secretary of Energy Schlesinger to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 4, 1979

SUBJECT

CTB-RELATED ENHANCED TEST PROGRAM

Following up our telephone conversation of yesterday afternoon,<sup>2</sup> this memorandum highlights two major problem areas regarding the study of an enhanced nuclear weapons test program that DOE and DOD have been preparing.

The study defines a two-year enhanced test program which includes an additional 16 tests through FY 80 and 13 in the first half of FY 81. This program would be expensive—on the order of an additional \$123 M through the end of FY 80 and a total of \$284 M in FY 81; this would require \$31 M in FY 79 and \$92 M in FY 80 over the current Administration program. In view of the extremely tight budget constraints facing the DOE, the existing FY 79 and FY 80 test program levels were judged to represent the best balance of DOE resources within the defense programs' area. These incremental costs could not be accommodated from within DOE's resources without significantly affecting our ability to meet Presidential guidance on the production of weapons required for DOD systems.

Due to the large incremental costs involved, I believe it would be most useful to obtain an initial Administration estimate on the amount of money to be made available for this enhanced effort and then size the test program to this sum. I believe that the potential political repercussions of any other potential courses of action could be substantial. If the recommended program were to be reduced for financial reasons, questions would undoubtedly arise concerning the Administration's commitment to do all that is necessary to prepare for a CTB. This would be far worse, having recognized a significant enhancement to be advisable, than not proceeding on the recommended path.

It should be borne in mind that DOE, in FY 79, has already sent to the Congress a \$12.8 M supplemental for the two additional confidence tests; we have two additional supplementals pending with OMB totaling \$81 M—\$40 M for Pershing II warhead and \$41 M for NOVA (the

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 13, Comprehensive Test Ban (CTB), 1/79–9/80. Secret; Restricted Data. Copies were sent to Brown, Jones, and Press.

<sup>2</sup> Not found.

latter one already has been earmarked within the President's Contingency Fund); and a sizeable supplemental would be required if the advanced dates for readiness of National Seismic Stations are to be met.

Given the large amount of FY 79 supplemental funding being requested for DOE Defense Program activities, it would seem wise to determine in advance that the Administration would lend its full weight in support of an additional request.

The second problem bears on the structure and scope of any outside review of the DOE/DOD recommendations. Given the highly technical nature of an integrated nuclear weapons test program, the individuals comprising the review group must be currently and intimately familiar with the detailed technical purposes of each test element that will make up this program. I remain skeptical that such expertise is to be found outside DOE and DOD, though there are many vocal critics of the test program. Consequently, I believe that Harold and I should pass on the membership of the review group to assure competency and balance. This is especially important in light of the earlier OSTP review of seismic verification and stockpile reliability in which the lack of technical competence of the group's review was manifest.<sup>3</sup>

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<sup>3</sup> In a May 10 memorandum to Brzezinski, Press called Schlesinger's criticism about the OSTP's review "surprising" and characterized the OSTP panel's technical competence as "indisputable." (Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 13, Comprehensive Test Ban (CTB), 1/79–9/80)

**231. Memorandum From the Director of the Arms Control and Disarmament Agency (Seignious) to Secretary of State Vance, Secretary of Defense Brown, Secretary of Energy Schlesinger, the Chairman of the Joint Chiefs of Staff (Jones), and the Director of Central Intelligence (Turner)<sup>1</sup>**

Washington, May 8, 1979

SUBJECT

Comprehensive Test Ban: The Review Conference Issue

Last round we proposed that the multilateral review conference “consider the question of whether there should be future treaty arrangements, taking into account all relevant factors.” However, the Soviets continued to argue for a formula that referred to the possibility of extension and that cited testing by non-parties (i.e., China and France) as a factor affecting extension.

We must, of course, fully protect our option to resume testing after three years if required for national security. In my view this option is already well protected: the treaty will end automatically after three years; we will have a veto over any review conference decision on future restraints; the Senate will have to approve any follow-on treaty; and we will make it clear to the Congress and American people that we will resume testing if required for our security.

The problem, I believe, is that we have tried to use the review conference provision as still another means of protecting our options. We have chosen general terms like “future treaty arrangements” that were designed to reflect the broad range of options we will want to choose from in determining, within our own government, what should follow after three years. However, I believe we have lost sight of the fact that the review conference provision deals not with internal USG options but with the role of a *multilateral* conference. I feel that role should be very limited.

Clearly, it is not in our interest for the conference (and therefore a large number of non-nuclear and non-aligned countries) to get involved in decisions that vitally affect U.S. security—such as whether the CTB will be followed by a threshold ban. Presumably, we would not even want a *multilateral* threshold treaty, which would tend to legitimize low-yield testing by all parties. The most practical way of pur-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 153, Folder 4, JEC IF and IFG 7901686–7903516. Secret. Copies were sent to Brzezinski and Ambassador Herbert York.



suings a new threshold measure would be to withhold our consent for a follow-on CTB at the review conference, thus allowing the CTB to terminate. We could then negotiate a new threshold treaty on a bilateral or trilateral basis.

As to verification, we are negotiating a separate trilateral agreement for the measures we consider essential, especially national seismic stations. If there is to be a CTB after three years, the verification changes we would want, such as more seismic stations in the USSR, would involve upgrading this separate agreement, not the verification provisions of the multilateral treaty—and this should be done trilaterally, with no interference from the multilateral conference.

For these reasons, the review conference language should not imply (as does “future treaty arrangements”) that the multilateral conference would have a broad mandate to shape the future of the treaty. Nor should it indicate (for example, by using the term “modifications”) that we expect the conference to deal with changes in the multilateral treaty—the normal amendments procedure would handle those.

Instead, the multilateral conference should serve essentially to affirm what we have decided prior to the conference. If we decide on no treaty or a new threshold ban, we would insist on treaty expiration at the conference, and our veto would guarantee that result. However, if we, the Soviets, and the British were all prepared to accept a comprehensive ban after three years, we would seek what would be certain endorsement by the conference. The review conference language should therefore authorize a very limited choice: letting the treaty lapse or having a CTB after three years.

On the basis of these considerations, I recommend the following *package proposal*:

—Instead of the Soviet term “extension” which implies continuous obligations, we would propose revised US language authorizing the conference to “consider the question of renewing” the treaty.

—We would insist that the Soviets drop their reference to testing by non-parties and accept a general formula like ours.

—We would propose a new provision specifying that a review conference decision to renew the treaty would enter into force when 20 states, including the US, the UK, and the USSR, have given notification of their acceptance of that decision. Under this provision, we could control when the renewed obligations became effective, and we would not permit entry into force until the Senate had approved.

—We would seek a provision in the trilateral verification agreement to the effect that, prior to the multilateral conference, the three parties would consider modifications of the agreement that would take effect if the multilateral treaty is renewed. This would give us a clear

basis for making upgraded verification a condition for renewing the treaty.

I am attaching a text of what these review conference provisions would look like.

I feel that the approach I am suggesting promotes U.S. interests better than our current position, and I therefore recommend that we take the initiative in putting it on the table when the talks resume.

*Text of Proposed Multilateral Review Conference Provision*

ARTICLE VII

1. This Treaty shall remain in force for three years.

2. During the third year after the entry into force of this Treaty, the Depositary shall convene a conference of the Parties to review the operation of the Treaty and to consider the question of renewing it, taking into account all relevant factors. Any decision on this question shall be made by a majority of the Parties to the Treaty, including all Parties that are Permanent Members of the Security Council of the United Nations.

3. A renewal of this Treaty shall take effect, for those Parties accepting it, when the governments of 20 Parties, including the governments of all Permanent Members of the Security Council of the United Nations, have notified the Depositary of their acceptance.

*Text of Proposed Provision for the Trilateral Verification Agreement*

1. To promote the objectives and implementation of the provisions of the Treaty and of this Agreement, the Parties to this Agreement shall establish promptly a Joint Consultative Commission within the framework of which they will:

... Consult prior to the conference of the Parties to the Treaty provided for in Paragraph 2 of Article VII of the Treaty, review the operation of this Agreement and consider any modifications to this Agreement that may be desirable in the event of renewal of the Treaty.

## 232. Memorandum of Conversation<sup>1</sup>

London, May 22, 1979

### PARTICIPANTS

#### US

The Secretary  
 Assistant Secretary Vest  
 Ambassador Brewster  
 Minister Streater  
 Peter Sommer (Embassy Notetaker)

#### UK

Francis Pym, Secretary of State for Defense  
 Sir Frank Cooper, Permanent Under Secretary, MOD  
 Michael Quinlan, Deputy Under Secretary, Policy and Programs, MOD  
 Roger Facer, Private Secretary to the Secretary

### SUBJECTS

Conservative Commitment to Defense, NATO Issues, TNF, US Strategic Systems, SALT, ABM, MBFR, UK's Nuclear Deterrent, SALT III, CTB, Anti-Satellite Negotiations, Arms Sales to China

#### *Conservative Commitment to Defense*

Pym said he was privileged the Secretary could visit the MOD and he personally wanted to emphasize the Conservative Party's anxieties over the growing Soviet threat and Britain's weakened defense posture. The Conservatives are determined to do something positive. As a first step, the Conservatives had increased military pay, which in some ways was only a minor achievement, but it did underline the Conservatives' commitment to defense. He added that the Conservatives, however, would be hard-pressed to improve substantially current defense programs because the UK economy is at zero growth. The Secretary replied that he was pleased to be able to come to the MOD and the US is pleased with the Conservatives' strong commitment to defense.

[Omitted here is discussion unrelated to a comprehensive test ban.]

#### *Comprehensive Test Ban*

The Secretary said he and Lord Carrington had gotten hung up the question of how many national seismic stations should be located in the

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 9, Vance Nodis Memcons 1979. Secret; Nodis. Drafted by Peter Sommer (EUR). The meeting took place at the Ministry of Defence. The conversation is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXVII, Western Europe.

British Isles.<sup>2</sup> Carrington had explained the British problem—the monetary implications—and the Secretary agreed that clearly ten stations on a country the size of the British Isles was unreasonable. The Secretary felt, however, the Soviets would not settle for anything less than five UK stations. He added perhaps a worthy idea was to have some of the Commonwealth states, like Australia and New Zealand, accept a station. The Secretary noted that yesterday Michael Palliser had suggested a formula allocating seismic stations in relation to each country's land mass. The Secretary joked that under such a formula, Britain would probably end up with only half a station. Pym said a change in the rules at this stage would make it difficult to achieve agreement. The Secretary underlined that we will be under pressure to make progress in the next CTB round, which begins on June 4, because if we do not it is unlikely negotiations will be completed on time for the NPT Review Conference. The Secretary said the US will press the Soviets at the Summit<sup>3</sup> to stop linking the number of seismic stations and the other remaining technical problems related to verification, but he was not sanguine that the Soviets would budge. Pym promised to discuss these issues with Lord Carrington. Cooper asked if there would eventually be a threshold under the CTB treaty. The Secretary said the US would insist on limiting it to laboratory tests for a treaty of three years duration. That is as far as we can honestly go in keeping the Joint Chiefs aboard and considering the reliability of our nuclear stockpile.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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<sup>2</sup> Vance's May 21 discussions with Carrington are reported in telegram Secto 4006 from the Secretary's Delegation, May 22. (National Archives, RG 59, Central Foreign Policy File, P840171-0170)

<sup>3</sup> Reference is to the upcoming U.S.-USSR summit in Vienna scheduled for June 15-18.

**233. Telegram From the Secretary's Delegation in London to the Department of State<sup>1</sup>**

London, May 24, 1979, 0129Z

Secto 4025. Department for Christopher only. White House to Dr. Brzezinski for the President. Subject: Meeting With PM Thatcher.

1. Secretary Vance met for an hour with PM at No. 10; also present were Foreign Secretary Carrington; Lord Privy Seal and House of Commons Foreign Affairs Spokesman Sir Ian Gilmour; Brian Cartledge, P.M.'s Private Secretary for International Affairs, and U.S. Ambassador Brewster.

2. Topics covered were SALT; Begin and Middle East; C.T.B.; Turkey; Rhodesia and Southern Africa.

[Omitted here is discussion unrelated to a comprehensive test ban.]

13. Discussion then turned to C.T.B. Mrs. T. indicated that she had private scientific advice, unknown perhaps to Carrington and Gilmour, that Soviet salt mines made it possible to defy detection; especially if timed to coincide with predicted earthquakes. Secretary said simply that our scientific advisors did not agree with hers and suggested that we send our most knowledgeable to talk with hers.

14. Mrs. T. then harked back to Eisenhower moratorium<sup>2</sup> and the advantage this gave to Soviets who used moratorium to prepare for tests while we did not. Result, she said, would be spate of Soviet tests which left US behind. Secretary said this is why we would have safeguards program which would put US in position to respond quickly if Soviets took actions putting US at a disadvantage. He said we were satisfied we could plan tests and keep test scientists and engineers in alert status for that length of treaty and that the stockpile would not be denigrated during the three year period of the treaty. On the way out the PM asked Secretary who we could send over and he suggested Frank Press as an outstanding expert in this area. She was extremely pleased.

[Omitted here is discussion unrelated to a comprehensive test ban.]

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840171–0149. Secret; Cherokee; Immediate; Nodis. Also sent Immediate to the White House. The conversation is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXVII, Western Europe.

<sup>2</sup> On October 31, 1958, President Dwight D. Eisenhower and UK Prime Minister Harold MacMillan announced a one-year moratorium on nuclear testing, to which the Soviets agreed a few days later. (*American Foreign Policy, Current Documents, 1958*, pp. 1356–1357)

**234. Telegram From the Embassy in the United Kingdom to the Department of State<sup>1</sup>**

London, May 29, 1979, 1533Z

10489. Geneva for CTB Delegation. Subject: CTB: UK Ministerial Decision on NSS.

1. (S—Entire text). Ambassador Edmonds, head of UK CTB Delegation, called on DCM to convey UK ministerial decision on National Seismic Station issue. Text of Amb Edmonds talking points follows:

Begin text:

As you know, both the Prime Minister and Lord Carrington discussed the comprehensive test ban with Mr. Vance during his visit to London.<sup>2</sup> Both voiced their misgivings about the requirement that the United Kingdom should accept 10 National Seismic Stations (NSS).

Ministers have now reflected further on the question of NSS. In doing so, they had very much in mind the need to hold the Russians to their acceptance of 10 NSS on Soviet territory. They are also aware of the importance of bringing the CTB negotiations to a successful conclusion.

On the other hand, they were also much concerned about the difficulty of defending a decision to spend large sums of money on a project for which there is simply no technical justification. The Russians know that the United Kingdom has no independent nuclear testing facility and could not possibly establish one, either in the United Kingdom or the dependent territories, without detection. Our technical people are satisfied that NSS would not provide any effective addition to means already available to the Soviet Union for monitoring United Kingdom compliance with the treaty.

Ministers have considered the NSS issue against the background of their commitment to severe retrenchment in public expenditure. This will make it even more difficult to justify capital costs of 20–30 million pounds on a project which is bound to appear nonsensical to parliament and the public.

The government attaches high priority to increasing the resources made available to defence, thereby improving our contribution to NATO. The money needed for 10 NSS could be much better spent on re-equipping our forces in Europe.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790243–0755. Secret; Immediate; Exdis. Sent for information to Geneva.

<sup>2</sup> See footnote 2, Document 232.

Ministers are therefore unwilling that the United Kingdom should pay for more than the one NSS which we have already agreed to accept, at Eskdalemuir. If your government concludes that we must accept more than one in order to secure Soviet agreement, we hope that you will be able to find some way of providing the necessary funds. In that case, Ministers would be prepared to accept up to four NSS on British territory. We should be glad to discuss the implication of this with you. End text.

2. Comment: Embassy's earlier *démarche*<sup>3</sup> and Secretary's discussion here last week<sup>4</sup> prompted, we understand, ministerial discussion chaired by P.M. last week at which foregoing decision was reached. We consider it, however, a bargaining position from which UK can be further moved. In view of fact that Secretary Vance has already emphasized the importance USG places on progress in CTB, embassy believes that a presidential message to P.M. Thatcher may be needed now to move British to reconsider their position. Such a message could emphasize importance US attaches to early progress in CTB, argue benefits resulting from agreement, highlight need for adequate verification, and urge reconsideration of UK position.

**Brewster**

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<sup>3</sup> See Document 229.

<sup>4</sup> See Document 233 and footnote 2, Document 232.

**235. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of Energy Schlesinger<sup>1</sup>**

Washington, June 14, 1979

SUBJECT

CTB Enhanced Test Program (U)

This is in response to your memorandum of May 4<sup>2</sup> concerning the CTB Enhanced Test Program. I recommended development of this program to the President<sup>3</sup> to redress the growing asymmetry in US and Soviet testing rates, and to investigate some of the uncertainties involved in maintaining reliability without testing. The President directed me to proceed on this basis but was concerned that the additional tests should support a CTB—e.g., the program should investigate reliability problems rather than generate “new” warhead development needs. Subsequently, the President reaffirmed his support for this effort in the context of his review of the Quicksilver II testing plan.<sup>4</sup> (S)

In light of this support, the preliminary incremental amounts you mentioned do not appear unreasonable and I am optimistic that the Administration will support such a request. I understand that the FY 81 figure is in fact consistent with the preliminary request DOE has already submitted to OMB.<sup>5</sup> We need to move quickly, however, since the Committee mark-up of the FY 80 budget is in progress and we are losing valuable time for carrying out additional tests prior to the advent of a CTB. Consequently, it is requested that you facilitate participation by your staff and the lab directors in the ad hoc NSC Working Group to ensure prompt completion of the Enhanced Test Program for review by the President. (S)

In this regard, Assistant Secretary Sewell of your staff has previously submitted a list of prospective members<sup>6</sup> and Frank plans to draw from this list in establishing the panel. Frank also tells me he would welcome an opportunity to discuss with you any further sug-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 13, Comprehensive Test Ban (CTB), 1/79–9/80. Secret. Copies sent to Vance, Brown, Jones, Seignious, and Press.

<sup>2</sup> See Document 230.

<sup>3</sup> Not found.

<sup>4</sup> Not found.

<sup>5</sup> Not found.

<sup>6</sup> Not found.



gestions you might have regarding the composition or activities of the review group.

Zbigniew Brzezinski<sup>7</sup>

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<sup>7</sup> Aaron signed the memorandum for Brzezinski.

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## 236. Memorandum of Conversation<sup>1</sup>

Vienna, June 17, 1979, 11:00 a.m.–1:00 p.m.

### SUBJECT

Third Plenary Meeting between President Carter and President Brezhnev  
Topics: SALT III and other arms control issues

### PARTICIPANTS

#### *U.S.*

The President  
Secretary of State Cyrus R. Vance  
Secretary of Defense Harold Brown  
Dr. Zbigniew Brzezinski  
General David Jones  
Mr. Hamilton Jordan  
General G. Seignious  
Ambassador Malcolm Toon  
Mr. Joseph Powell  
Mr. David Aaron  
Mr. Wm. D. Krimer, Interpreter

#### *U.S.S.R.*

President L.I. Brezhnev  
Foreign Minister A.A. Gromyko  
Marshal D.F. Ustinov  
Mr. K.U. Chernenko  
Deputy Foreign Minister G.M. Korniyenko  
Marshal N.V. Ogarkov  
Ambassador A.F. Dobrynin  
Mr. A.M. Aleksandrov-Agentov  
Mr. L.M. Zamyatin

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 9, Vance Exdis Memcons 1979. Secret; Nodis. Drafted by Krimer on June 20; and approved by Aaron. The meeting was held at the Soviet Embassy. The memorandum of conversation is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 203.

Mr. V.G. Komplektov  
Mr. A.M. Vavilov  
Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to a comprehensive test ban.]

Further, the President said we would like to proceed with a comprehensive nuclear test ban agreement, either with or without the participation of Great Britain. We will do everything possible to induce other nations, France, Great Britain and China, to join in substantial reductions in nuclear weapons development and deployment. Obviously he could not speak for them and would think that the Chinese would be difficult to persuade. But it is obvious that for several years now the United States and the Soviet Union had such massive nuclear inventories that their predominance over the other nuclear powers is adequate. Moreover, the Soviet SS-20 missiles and other medium-range systems constituted a formidable means for dealing with these nations. But the absence of nuclear cooperation from other countries should not be allowed to interfere with progress on a bilateral basis toward the SALT III agreement.

Turning to another subject, Brezhnev said it would be very important promptly to complete and sign a treaty on the general and complete prohibition of nuclear weapon testing. The Soviet Union had done a great deal in that direction, having met Western positions on a number of important matters. Speaking frankly, he would have to say that the CTB negotiations were being slowed and delayed, and by no means through any fault of the Soviet Union. Brezhnev expressed the hope that the United States and England will change their inflexible approach, in particular, to questions of verification. If that were done, all three partners could jointly and without further delay finalize their agreement on this important and necessary measure.

[Omitted here is discussion unrelated to a comprehensive test ban.]

The President wanted to make one more comment. He had outlined to Brezhnev several very specific and important thoughts and suggestions regarding future arms negotiations leading to SALT III. Brezhnev had not responded, but the President saw an area of agreement in Soviet willingness to halt the production of nuclear weapons and to reduce stockpiles, taking into account current stockpiles and the security interests of the sides. Secondly, he believed it very important that we agree and publicly say that we will not deliver nuclear fuel to any nation that is not under the NPT or under IAEA control. We needed to move forward on the comprehensive test ban. Personally, the President thought that a requirement for ten stations in a small nation such as Great Britain was excessive. Great Britain shared this view.

If the talks failed for that reason, we were prepared to discuss with Prime Minister Thatcher the withdrawal of Great Britain from the talks so we can proceed to reach agreement on a bilateral basis.<sup>2</sup> Third, the President thought that good progress could be made today on mutual and balanced force reduction if the discussions were continued between Secretary Brown and Marshal Ustinov. We needed to follow up further on President Brezhnev's suggestion concerning notification of tests and exercises. The President hoped that before he left Vienna these proposals could be pinned down so that our discussions could be fruitful and not wasted.

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<sup>2</sup> Shortly before he and Brezhnev signed the SALT II Treaty, Carter handed Brezhnev a brief handwritten letter listing his proposals for the next round of arms control talks that would comprise SALT III. Among other issues, Carter said the two nations must conclude a "comprehensive test ban treaty with or without Britain. (hopefully with them.)" The letter is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 202.

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### **237. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, July 19, 1979, 1712Z

12262. Exdis USCTB. Pass to DOE. Subject: CTB Negotiations: Assessment of June 4–July 20 Round CTB message no. 478.

1. (Secret—Entire text). Summary: This message contains my assessment of the June 4–July 20 round of CTB negotiations. It incorporates numerous suggestions from members of the Delegation but has not been cleared by all of them. In sum, there has been very little serious negotiation, and therefore very little progress toward a CTB, during this round. At the beginning of the round the UK Delegation announced that the new UK government was studying the question of National Seismic Stations (NSS) on UK territory and would state its position later. The fact that it failed to do so during this round was the ostensible reason for the Soviets to continue to refuse to move on NSS. However, their refusal to move may also reflect a more fundamental problem, namely a growing doubt about the ultimate success of these negotiations—a doubt related both to their uncertainty over the SALT

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790329–0620. Secret; Immediate; Exdis. Sent for information Priority to London and Moscow.

debate and to the possible impact on the CTB negotiations of the approaching US presidential campaign. The fact that the US Delegation has been unable even to state a position on several political issues, such as the preamble to the multilateral treaty and permitted experiments, probably reinforces Soviet fears that the US is no longer fully committed to completing the project. If there is to be progress during the next round it will obviously be necessary to settle the UK NSS issue. In addition, we should be properly instructed so that we can get on with negotiating the remaining political issues of the treaty, as well as deal with Soviet requests for US NSS components and two complete NSS. End summary.

2. General situation and atmosphere. The negotiations remain stalled, a situation that was already apparent during the last round. Only two plenary meetings were held. At the first, on June 5,<sup>2</sup> the UK Delegation stated that the new UK government had not yet completed its study of the NSS question and was therefore not ready to respond to the Soviets (as it still is not). The Second Plenary was held July 11<sup>3</sup> at our request so that I could restate and clarify the US position on NSS equipment, including the requirement that NSS equipment installed in the Soviet Union must be US-manufactured. Although the Soviets had let it be known that they planned to make a statement on July 11, they did not do so and did not explain why they had changed their mind. Nor did they show much interest in holding private substantive discussions. Symptomatic of their lack of interest in substantive exchanges, the Soviets took the initiative in arranging a trilateral lunch, instead of the usual plenary, to end the round.

3. Although the Soviets continued to press the UK to respond on UK NSS, they conveyed less sense of urgency that we should get on with the negotiations and they were less active in seeking US intervention with the UK on the NSS question. The apparent relaxation displayed by the Soviets gave US the impression that they were somewhat less concerned than before with moving the negotiations forward.

4. Relationships among the Delegations continued to be cordial, providing a good basis for further constructive work when and if the negotiations are unblocked. We are impressed in particular by the apparent desire of the Soviets to keep up a show of cooperative activity, and they excelled themselves in arranging social activities, presumably to show goodwill. The visit to Moscow by me, Dr. Johnson, and John

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<sup>2</sup> A report on the June 5 Plenary is in telegram 9583 from Geneva, June 6. (National Archives, RG 59, Central Foreign Policy File, D790257-0304)

<sup>3</sup> A report on the July 11 Plenary is in telegram 11747 from Geneva, July 12. (National Archives, RG 59, Central Foreign Policy File, D790351-0209)

Marcum,<sup>4</sup> as well as the completion of plans for the visit of Soviet and UK experts to US NSS facilities, contributed to good relationships among the Delegations.

5. Accomplishments during this round. A few modest accomplishments can be recorded. The political working group agreed on language for a paragraph in Article III of the separate verification agreement dealing with the privileges and immunities of On-Site Inspection (OSI) designated personnel. In addition, at the end of the round, the US tabled draft language for another paragraph of the same article, dealing with expenses incurred during an OSI. The OSI working group reviewed the texts of Article III that had already been negotiated, and agreed on a joint composite text (with some brackets denoting issues not yet agreed) of the entire article. Apart from this accomplishment, the OSI working group devoted many hours to debating the acceptability of portable seismometers as OSI basic equipment. The Soviets introduced this issue at the beginning of the round by challenging the US and UK Delegations to provide data showing that portable seismometers would be useful in determining the nature of ambiguous events and would not result in false alarms. Throughout the debate the Soviets refused to deal in specifics but rejected all US/UK arguments as unconvincing. It is still not clear whether the Soviets have serious objections to the use of portable seismometers or were merely looking for a convenient issue that would keep the OSI group busy.

6. Our major effort during the round was to restate, clarify, and expand upon the US position regarding the use of US equipment for NSS in the USSR. In that context I also outlined the main elements of a cooperative NSS program. In informal meetings, we concluded arrangements for the visit by Soviet and British experts to our NSS development facilities. In addition, the trip to Moscow mentioned above (June 25–30) provided an opportunity to establish contact with Sadovsky, Director of the Soviet Institute of Geophysics, who was identified to US as the man responsible for the Soviet NSS Program.

7. The UK role in the negotiations. In private discussions with US, members of the UK Delegation have betrayed some embarrassment and concern over the prolonged delay in London in deciding on a position concerning NSS on UK territory. It is our impression that the UK Delegation recommended that the UK answer the Soviets during this round by proposing a few (perhaps as many as four) NSS on overseas territories (paid for by Britain, not the US). I have little doubt that the

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<sup>4</sup> York, Johnson, and Marcum visited Moscow from June 25–30. The trip included a tour of the seismic observatory at Obninsk which the Soviets planned to use as a National Seismic Station under a CTB treaty. York's report of the visit is in telegram 11274 from Geneva, July 5; National Archives, RG 59, Central Foreign Policy File, D790306–0938)

Delegation strongly opposed "Zero NSS", which would imply UK withdrawal from the SVA, arguing that this would be unacceptable to the Soviet Union and damaging to British prestige. From contacts with the British here and in London, I have the impression that the new UK Government has some basic reservations regarding the value of a CTB treaty. For example, Minister of State Douglas Hurd referred in a conversation with me to a low-threshold treaty as a hypothetical possible substitute for a CTB. He also asked why Britain should play the Soviet "Numbers Game" and whether it would not be in the UK interest, though not necessarily in US interest, for the UK to withdraw from the negotiations altogether. These reservations about the value of the CTB may help explain why the UK Government has been so slow in reaching a decision on NSS.

8. The Soviet role and attitude. Throughout the round the Soviets continued to wait for a UK response to their proposal for ten NSS on UK territory. They repeatedly made it clear that they had no interest in NSS within the British Isles, and that the withdrawal of the UK from the NSS arrangements would be unacceptable. Finally, they continued to refuse to discuss any other NSS issues before the question of the number and location of UK NSS was settled. At the opening of the round, the Soviets hinted at some flexibility regarding the number of UK NSS they could accept, conveying the impression that they might settle for fewer NSS in UK territory than the ten proposed for the USSR. By the end of the round, however, the Soviets were again saying that, whatever number of NSS there were in UK dependent territories, the USSR would accept the same number in the Soviet Union. The Soviets may have hoped that their apparent show of flexibility would elicit an early UK answer, to which they could reply by reaffirming their requirement of equal numbers. The Soviets may in fact have in mind using whatever number the UK comes up with as a basis for driving the US toward a lower number of NSS in the USSR, at least during the first three years. On several occasions Petrosyants and Timerbaev informally raised the possibility of adjusting the phasing of the installation of the NSS, in effect of agreeing to install a small number of NSS (or none) during the first duration of the treaty with a commitment to install more if the treaty is renewed.

9. During this round, in contrast with the last, the Soviets in informal discussions avoided any suggestion that they will be ready to begin serious negotiations on other NSS issues as soon as the UK issue is settled. This may be because, as I have just indicated, the Soviets have in mind using the number proposed by the UK as a basis for proposing a reduction in the number of NSS in the USSR, possibly linking this to an adjustment in the phasing of installation. They may expect a prolonged debate over these issues and for this reason no longer expect to

move promptly to NSS technical issues. Or they may envision a prolonged and difficult debate over whose equipment will be used in the Soviet Union. Either way we should not assume that settling the UK issue will necessarily open the door for a speedy settlement of NSS technical issues.

10. The question of US equipment in Soviet NSS. We have now left no room for doubt that we will require the use of US-manufactured equipment in the NSS installed in the Soviet Union. I and other members of the Delegation discussed this matter informally with the Soviets several times. We also went over the US position with Korniyenko during the Moscow visit, and I of course stated our position in detail in my plenary statement of July 11, placing the requirement for using US equipment in the context of reciprocity and of a cooperative NSS program.

11. The Soviets have not categorically rejected the use of US equipment in the Soviet Union. In his comments at the plenary Petrosyants even avoided restating the Soviet position (which has been generally negative but not a categorical rejection), on the grounds that the position was well known and did not need to be repeated. In private discussions, he and other members of the Soviet Delegation described the US position as very hard. Their emphasis, however, was less on the substance of the US position (which they refuse to discuss before the UK NSS question is settled) but on their contention that the US statement represented an essentially new position and came as an unpleasant surprise. We pointed out that US spokesmen had said as early as May 1978 that it would be necessary to use the US downhole unit.<sup>5</sup> Nevertheless, I tend to believe that the Soviet reaction of surprise contains truthful elements if not the whole truth, in the sense that our previous statements about using US equipment were never given much emphasis and therefore may not have been taken seriously. In rereading the record, I think it is at least possible that the Soviets were convinced that we could be persuaded to compromise on this issue. They may dig in on this point, holding to the argument that their acceptance of NSS is on condition that Soviet equipment will be installed in Soviet territory. Or they may try to drive us toward some sort of compromise involving few or no NSS in the first three years with a commitment to settle the question of whose equipment will be used in a full scale system when or if the treaty is renewed.

12. CTB negotiations, SALT, and the US political scene. It is evident that the SALT debate in the US has slowed these negotiations. The Soviets have asked US if the SALT debate will interfere with US decisions on CTB. They have also referred to the fact that President Carter told

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<sup>5</sup> A method of seismic testing.

Gromyko that we would not finish the CTB negotiations before SALT was concluded.<sup>6</sup> We must assume that the Soviets will not wish to commit themselves further to the CTB, and especially not to make any significant concessions, before they are confident that the SALT treaty will be ratified and that the US seriously intends to go ahead with the CTB. The Soviets have also frequently referred to the 1980 presidential campaign as something that might make it impossible for the US to proceed with the CTB, and therefore a matter of concern to their negotiators. From the Soviet perspective, the obvious question is whether any concessions can be expected from the US in the present situation, and whether any Soviet concessions would be worthwhile. It is relevant, in this connection, that the Soviets no longer talk of the need to complete the CTB by any particular time. Early in this round we occasionally referred to the NPT conference in May 1980 as a target date, but got no response from the Soviets. Clearly they no longer regard May 1980 as a realistic target date. Members of the Soviet Delegation have even speculated that the negotiations would require two more years.

13. Conclusions. The fact that the US Delegation entered this round with no new instructions, and that it remains uninstructed on several political aspects of the treaty—notably the preamble and the question of permitted experiments—has contributed to the present impasse. The fact that we are still unable to state a US position on these issues tends to undermine Soviet confidence in our commitment to the CTB objective. If we are to make any progress during the next round, and if we are to avoid the possibility that these negotiations might unravel altogether, I believe we must return next round in a position to negotiate most open issues, including not only the outstanding political issues but also the Soviet request to buy US seismic components and two complete NSS. Our ability to make constructive proposals on these issues would contribute substantially to improving the negotiating atmosphere.

14. Further, the delay of the UK in responding on the NSS question probably strikes the Soviets as further evidence that both the UK and the US are losing interest in the CTB objective. During the recess, I hope that the UK will reach a decision regarding the number of NSS in UK dependent territories and that the US will come to a firm conclusion concerning our reaction to this new decision. Without new instructions for both the US and the UK Delegations, we are unlikely to make any progress next round. If we continue to appear in Geneva lacking instructions, the Soviets (and the UK too) may interpret this as proof that we are no longer seriously committed to achieving a CTB treaty.

**York**

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<sup>6</sup> See Document 221.



**238. Memorandum From Secretary of Energy Schlesinger to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, August 22, 1979

SUBJECT

Soviet Nuclear Test

*[8½ lines not declassified]*

I strongly urge that this Government seek an explanation of this event from the Soviet government. *[2½ lines not declassified]* The United States has adhered scrupulously to this bilateral moratorium. It appears that the Soviets have been less scrupulous.

The US response to this type of event could have a major impact on Senate deliberations on the SALT II Treaty. Some Senators could see US actions in this area as being indicative of future US actions with respect to compliance ambiguities in SALT. Consequently, I urge your serious consideration of this issue.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Agency File, Box 8, Energy Department: 8–10/79. Secret.

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**239. Memorandum From John Marcum and Marshall Brement of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, August 24, 1979

SUBJECT

Soviet Nuclear Test (S)

Jim Schlesinger has written you (Tab B)<sup>2</sup> to point out that the most recent Soviet nuclear test has a high probability of having exceeded the 150 KT threshold and to urge that we seek an explanation of this event

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Agency File, Box 8, Energy Department: 8–10/79. Secret. Outside the System.

<sup>2</sup> Document 238.

from the Soviets. This is technically correct, but the situation is actually less certain since other seismic data, which we do not understand fully, indicate that the yield may have been considerably smaller. Nevertheless, Schlesinger's concerns are well founded and, per David's instructions, the State Department delivered a *démarche* we had already initiated to the Soviets this afternoon (Tab C).<sup>3</sup> (S)

At David's suggestion, we also called in Bessmertnykh to reinforce State's protest. We asked him whether or not, in light of the three large explosions this summer, the Soviets intended to adhere to the 150 kt limit and made clear that we were free to respond appropriately. Bessmertnykh reaffirmed strongly that the Soviets considered themselves bound by this limit and fished for an indication that we were more concerned about the domestic consequences than the actual yield of the explosion. We responded that it was the large size of this explosion and the earlier ones this summer that prompted our concern. (S)

We have prepared a brief response to Schlesinger at Tab A,<sup>4</sup> informing him that you share his concerns and that the text has been protested to the Soviets. (S)

#### *Recommendation*

That you sign the memorandum at Tab A.

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<sup>3</sup> Attached but not printed. That afternoon, Acting Assistant Secretary of State for European Affairs Goodby handed Soviet Chargé Vasev a *démarche* based on the draft at Tab C that noted the administration's "concern" over the test. The text of the *démarche* is contained in telegram 227369 to Moscow, August 29. (National Archives, RG 59, Central Foreign Policy File, D790394-1013)

<sup>4</sup> Tab A is an August 24 memorandum from Brzezinski to Schlesinger which noted that the United States had "requested that they [the Soviets] provide technical data relating" to the test to which Schlesinger had alerted Brzezinski on August 22 [Document 238] as well as "the explosions of June 23 and August 3 which we had raised with them previously." (Carter Library, National Security Affairs, Brzezinski Material, Agency File, Box 8, Energy Department: 8-10/79) Telegrams 166361 and 205927 to Moscow, June 28 and August 8 respectively, discuss the U.S. *démarches* to the Soviet Union concerning the June 23 and August 4 Soviet nuclear tests. (National Archives, RG 59, Central Foreign Policy File, D790292-0271 and D790358-1164 respectively)

**240. Telegram From the Department of State to the Embassy in the United Kingdom<sup>1</sup>**

Washington, September 18, 1979, 2327Z

245697. CTB Delegation for Okun. Subject: CTB: Approach to UK on NSS Question.

1. On behalf of the Secretary PM Director Bartholomew called in UK Embassy Counselor Weston (in absence of DCM Robinson) September 17 to make *démarche* along following lines:

—The US government continues to place great importance on the progress of the CTB negotiations.

—The negotiations are stalled on the NSS issue because of the Soviet rejection of the present UK position.<sup>2</sup> The Soviets consider the ball to be in the Western court on this question. They may believe they have the UK and US on the defensive and that they can make it appear that the two Western parties are responsible for the stalemate and have lost interest in the talks.

—We therefore need a combined US/UK strategy which will: (A) solidify our joint approach on this issue; (B) put some pressure on the Soviets and test their willingness to negotiate seriously; and (C) move the negotiations off dead center and ensure that the talks do not unravel over this issue.

—We recommend, therefore, that your government consider the following strategy for this round:

—Both the US and UK would work together to counter Soviet claims that the UK would have the same number of stations as the US and USSR.

—We would propose instead that the UK make a credible step in the direction of the Soviet position, a step which would include the acceptance of NSS in dependent territories. We note that this was discussed by the President and the Prime Minister at their Tokyo meeting<sup>3</sup> and that the Prime Minister said HMG would be taking this matter under serious consideration.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790427–0917. Secret; Exdis; Immediate. Sent for information Priority to the Mission in Geneva and Moscow. Drafted by Steven Steiner (PM/DCA); Neil Michaud (EUR/NE), Arnold Raphael, Avis Bohlen (EUR/SOV), and Robert Steven (S/S); and approved by Bartholomew (PM).

<sup>2</sup> On September 27, Carrington told Vance that his government had “perhaps embarrassed the US with their position on a verification presence.” Vance replied that the United States did “not believe that one seismic station is an adequate answer.” (Telegram 254134 to the Mission in Geneva, September 27; National Archives, RG 59, Central Foreign Policy File, D790441–1007)

<sup>3</sup> According to the President’s Daily Diary, Carter met with Thatcher in Tokyo on June 27 from 6:15 to 7:30 p.m. (Carter Library, Presidential Materials) No other record of this meeting has been found.

—The US would give its strong support to a meaningful new UK position. We would make it clear to the Soviets that we do not believe the UK could go any further. We would push them hard to accept this offer and press them on this both in Geneva and at a senior level in Washington and Moscow. We would suggest that the UK also take such action.

—At the same time, we would urge the Soviets—while this issue is being considered in Moscow—to move on to serious negotiation of other issues of concern to the UK and US.

—To make the maximum impact upon the Soviets, such a move should optimally be made by US (UK and US) at the start of this coming round, and, in any event, as early in the round as possible. We would appreciate it, however, if London would allow time to consult with US, as it is indispensable that we fully coordinate the approach that we will each take in presenting our new position.

2. Bartholomew noted that full substance of *démarche* had been approved by the Secretary and by senior levels of other concerned agencies. Weston asked if we could elaborate upon the meaning of a “credible” step. Bartholomew said that this has not been defined by USG. Speaking on strictly personal basis, he pointed out that even if the UK does not judge that such a move would have a good chance of Soviet acceptance, such a move is still worthy of consideration. It will place UK and US in better position on NSS issue and will put the Soviets to the test.

3. Weston asked if we had any time frame in mind. Bartholomew replied that the key factor on timing now is that its very much in mutual UK and US interest to have made substantial progress in CTB by the time of the NPT review conference. Further, we continue to have an intrinsic interest in moving CTB ahead on its own merits. Its in our mutual interest to overcome the impression of a stalled negotiation and the potential for unraveling.

4. Weston said US views would be taken into account and that UK decision could be expected September 19.<sup>4</sup> US approach was therefore

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<sup>4</sup> Telegram 15850 from the Mission in Geneva, September 26, reported that in his opening statement, British Ambassador John Edmonds said that after “a much more thorough review,” the new UK Government could “confirm” that it “wishes to work for the early achievement” of “a good comprehensive test ban treaty.” However, Edmonds said that despite the Soviet proposal that each of the three nations should build 10 national seismic stations to verify a CTB, after “careful and intensive consideration,” the UK Government had concluded that “there is no justification for locating national seismic stations in United Kingdom dependent territories. They have therefore decided that one national seismic station in the United Kingdom, at Eskdalemuir in Scotland, is the appropriate British contribution to an effective and realistic system of verification by these stations.” (National Archives, RG 59, Central Foreign Policy File, D790441–1086) In his opening plenary statement, York said that the U.S. Government “strongly supports both the British desire for a test ban and the offer to accept one national seismic station in the United Kingdom,” which it believed was “appropriate.” York’s plenary statement is in telegram 15848 from Geneva, September 27. (National Archives, RG 59, Central Foreign Policy File, D790441–1051)

timely. Weston said he could not speculate on the outcome of UK Ministers' meeting which would make decision.

5. Weston also noted that US approach did not mention the possibility of UK staying out of the SVA, and he asked for explanation. Bartholomew, speaking personally, acknowledged that this was not included in US approach, and pointed out that even if UK does decide that this would be the best course of action, it still might be better for tactical reasons at least to try first the strategy recommended in this US approach. He noted that a British decision to withdraw from the SVA would not solve the issue automatically, as US and UK would have to press Soviets to accept this solution. He pointed out that we would, of course, be happy to hear out the British if they have other views on this question.

**Vance**

## 241. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>

Geneva, December 6, 1979, 1712Z

19619. USCTB. Subject: CTB Negotiations: Final Assessment of Round Nine. Ref: A. CTB No. 491, 17 Oct 79<sup>2</sup> B. CTB No. 510, 14 Nov 79<sup>3</sup> C. CTB No. 515, 29 Nov 79<sup>4</sup> D. CTB No. 518, 5 Dec 79.<sup>5</sup>

CTB message no. 522

(S—Entire text)

Summary: Since previous assessments this round, agreement has been reached on complete ad Ref text for Article III of separate verification agreement. This, together with earlier report on agreed technical characteristics of NSS, constitutes modest progress this round. However, Soviets continue to refuse to negotiate NSS text before number of UK NSS is settled. End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790563–0302. Secret; Exdis; Immediate. Sent for information Priority to London and Moscow.

<sup>2</sup> CTB message No. 491, or telegram 16934 from Geneva, October 17, reported that the Soviets had “taken two modest but potentially useful steps long urged by the U.S.: 1) they have indicated some flexibility regarding their previous position on the number of NSS to be located in the UK and dependent territories; and 2) they have formally agreed to begin ‘ad-hoc’ discussion of technical characteristics of NSS even before the numbers issue is resolved. Soviet negotiating strategy evidently is to try to trade movement on these two matters for U.S. and UK flexibility on the UK NSS numbers issue.” The ad-hoc meeting, the Mission reported, would meet for the first time on October 17. (National Archives, RG 59, Central Foreign Policy File, D790475–1023)

<sup>3</sup> CTB message No. 510, or telegram 18246 from Geneva, November 14, reported on the activity of the ad-hoc working group on NSS technical characteristics, which “provided the busiest and most productive period of the past year. The report of the working group represented limited, but useful, progress, which was unexpected at the start of this round, or at the start of the working group’s operation.” (National Archives, RG 59, Central Foreign Policy File, D790524–0789)

<sup>4</sup> CTB message No. 515, or telegram 19217 from Geneva, November 29, reported that the Soviets had agreed to drop a provision in the Separate Verification Agreement of the proposed CTB treaty “which would have provided that the rights and functions of OSI designated personnel, and the equipment used by them, would be specified in detail in the consultations on the conduct of each individual OSI. The U.S. Delegation had opposed such a provision, maintaining that the fundamental OSI rights and functions should be arranged during these negotiations and spelled out in the SVA, not deferred for agreement on a case-by-case basis. Soviet agreement to drop this paragraph,” the Mission contended, “thus represents a useful move in our direction.” (National Archives, RG 59, Central Foreign Policy File, D790549–0640)

<sup>5</sup> CTB message No. 518, or telegram 19583, from Geneva, December 5, reported that UK Ambassador Edmonds had called 1979 “a disappointing year for the negotiations, with little progress achieved.” York called 1979 “less than satisfactory. The foremost problem has been the Soviet unwillingness to proceed on other NSS issues until the UK numbers question is resolved. This Soviet position was not a useful one, and should not delay us further.” (National Archives, RG 59, Central Foreign Policy File, D790561–0796)

1. As reported previously the Soviets agreed to limited technical discussions on NSS before the question of the number of UK NSS was settled (Ref A). These discussions resulted in a report agreeing on technical characteristics of the seismic portion of most of the NSS downhole package in which U.S. specifications and explanatory text were accepted by the Soviet side (Ref B). Three issues, the specification of linearity and noise level, and the recovery of the data “with fidelity” were not settled in the report, and remain to be resolved.

2. Additional progress was agreement in Article III of the separate verification agreement on the definition of designated personnel for conducting On-Site Inspections (OSI) and on the burden of costs of OSI. The Soviets also agreed to drop a bracketed paragraph in this article, making Article III complete, unbracketed ad referendum text (Ref C).

3. On the issue of UK NSS, the Soviets indicated early in the round that they could be flexible on their proposed number (ten), but have insisted the UK first move off its position of one NSS—a number the Soviets say is totally unacceptable. The UK has remained firm in maintaining that one NSS is the correct number for monitoring UK compliance with a CTB. The U.S. has firmly supported the UK position throughout the round.

4. The U.S. proposed in the final plenary a cooperative NSS development program to install and evaluate U.S. NSS in the USSR and in Alaska. The initial Soviet response was cool. They said that the proposal seemed to contain a number of preconditions, and would have to be studied carefully (Ref D).

**York**

**242. Memorandum of Conversation<sup>1</sup>**

Washington, December 17, 1979, 10:30 a.m.–12:30 p.m.

**SUBJECT**

The President's Meeting with Prime Minister Margaret Thatcher

**PARTICIPANTS**

The President  
 The Vice President  
 Secretary of State Cyrus Vance  
 Dr. Zbigniew Brzezinski, Assistant to the President for National Security Affairs  
 David Aaron, Deputy Assistant to the President for National Security Affairs  
 Ambassador Kingman Brewster  
 Ambassador at Large Henry Owen  
 George Vest, Assistant Secretary of State  
 Robert D. Blackwill, NSC Staff Member  
  
 Prime Minister of the United Kingdom Margaret Thatcher  
 Lord Carrington, UK Secretary of State for Foreign and Commonwealth Affairs  
 Sir Nicholas Henderson, Ambassador to the U.S.  
 Sir Robert Armstrong, Secretary to the Cabinet  
 Sir Michael Palliser, Permanent Under Secretary of State, Foreign and  
     Commonwealth Office  
 Sir Frank Cooper, Ministry of Defense  
 Michael Alexander, Private Secretary to the PM  
 George Walden, Principal Secretary to the Secretary of State

[Omitted here is discussion unrelated to a comprehensive test ban.]

As the meeting neared its end, Lord Carrington said that he and Secretary Vance would talk about Belize in their meeting in the afternoon. The President said he would discuss China and perhaps Namibia at dinner with the Prime Minister. The CTB should also be addressed. Mrs. Thatcher quickly replied that the UK could only afford one seismic station and had offered to withdraw if that would help the negotiations.<sup>2</sup> The President said he had discussed this issue with Brezhnev at

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 37, Memcons: President: 10–12/79. Secret. The meeting took place in the Cabinet Room at the White House. The conversation is scheduled to be printed in full in *Foreign Relations*, 1977–1980, vol. XXVII, Western Europe.

<sup>2</sup> Brewster had briefed Vance about Thatcher's misgivings about a CTB and particularly the construction of more than one NSS in the United Kingdom. Given her "ingrained" suspicions about the Soviet Union and her predisposition "to give greater weight to defence preparedness and less to arms control," Brewster contended that "it would be useful for the President to review with Mrs. Thatcher the range of complexity the U.S. and its allies face on the world scene by a frank statement of the U.S. approach to East-West relations," especially on the CTB issue. The recent "slight signs that the Soviets are beginning to show greater flexibility" on the NSS, Brewster said, validated her government's "firmness" on the issue. (Telegram 23716 from London, November 29; National Archives, RG 59, Central Foreign Policy File, D790550–0566)



Vienna who had objected to UK withdrawal.<sup>3</sup> If the British could not accept ten seismic stations, perhaps four would be an appropriate number. The Prime Minister, her voice breaking, said four was a ridiculous number. The UK only needed one and had much better ways to spend its money. The President wryly noted that Britain might consider these stations as a kind of status symbol and asked the Prime Minister to again consider accepting four of them. Mrs. Thatcher replied that although Britain had no wish to withdraw, these stations were very expensive. (S)

The President, Secretary Vance and Dr. Brzezinski and the Prime Minister, Lord Carrington and Sir Robert Armstrong then moved into the Oval Office for further discussion. (C)

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<sup>3</sup> See Document 236.

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#### **243. Telegram from the Department of State to the Embassy in the Soviet Union<sup>1</sup>**

Washington, December 19, 1979, 0530Z

321521. Geneva for CTB Delegation. Subject: TTBT Data Exchange. Ref: State 315631 (Notal).

1. S—Entire text.

2. In his meeting with Ambassador Dobrynin on December 6,<sup>2</sup> the Secretary handed over the following Non-Paper relating to TTBT data exchange noting that this was not just a technical question but a matter of political significance.

Begin text:

Both our governments have recently reaffirmed their intention not to take any actions incompatible with the 150 kiloton limit on underground nuclear explosions called for by the Threshold Test Ban Treaty of 1974<sup>3</sup> and the Peaceful Nuclear Explosions Treaty of 1976.<sup>4</sup> It is in our

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, No reel number available. Secret; Immediate. Sent immediate to London and the Mission in Geneva.

<sup>2</sup> Not found.

<sup>3</sup> See footnote 4, Document 141.

<sup>4</sup> See footnote 5, Document 141.

mutual interest to take steps to minimize any misperceptions regarding adherence to these statements of intent.

The achievement of a CTB retains its very high priority in the view of the USG. It is our desire to move ahead with it expeditiously and to build the popular support needed for its ratification. However, it should be clear that unless we can resolve the current uncertainties regarding nuclear testing, we will be unable to generate and maintain this necessary public support.

*[12 lines not declassified]*

The Soviet démarche of September 17,<sup>5</sup> which raised the question of whether our September 6 event had exceeded 150 kt demonstrates that we indeed have a common problem. We have confirmed that the yield of that US test did not, in fact, exceed 150 kt. However, our own teleseismic measurements suggest that the signals generated, unless analyzed in conjunction with accurate geological and geophysical knowledge of the testing area, could lead to an erroneously high estimate of the yield.

To reduce our uncertainties regarding seismic signals from the Soviet tests I mentioned, we would like to receive from you pertinent geophysical data on the area where these tests were conducted. We would, for our part, be happy to provide to you similar data to reduce the uncertainties you expressed over our test of September 6.

We note that in response to an earlier request which we made for such data, the Soviet side suggested that such uncertainties would not arise if the US had ratified the TTBT. We do not consider this a feasible course of action at this time, as pressing for ratification of the TTBT would complicate our efforts to conclude a CTB—which remains our priority objective in this area. But, as I said, this climate of uncertainty regarding current testing activities undermines the basic political support which a CTB will require.

To make this data exchange as constructive as possible, to reduce the uncertainties which I have described, and to enhance the mutual sense of confidence which is so important in this area, we propose the establishment of an ad hoc joint technical panel or working group.

We would ask this ad hoc panel or group to develop procedures for the exchange of geological and geophysical data for those regions of active test sites where unusual geology and other factors have apparently contributed to incorrect yield estimates that resulted in expressions of concern by both our governments. The concerns we both hold

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<sup>5</sup> Bessmertnykh delivered the Soviet démarche, which was a reply to the August 24 U.S. démarche, on September 17. The text is in telegram 244481 to Moscow, September 18, (National Archives, RG 59, Central Foreign Policy File, D790425-0762)

could perhaps be dealt with by precise data on quite limited areas, building on the hypothetical sample profile of a testing area already exchanged in connection with the TTBT. The panel could also develop procedures for participation of US and Soviet experts in an exchange of calibration data from past explosions at these sites. And there are undoubtedly other measures that the panel could consider as well to eliminate unnecessary uncertainties.

End text.

Christopher

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#### **244. Telegram From the Embassy in the United Kingdom to the Department of State<sup>1</sup>**

London, January 11, 1980, 2047Z

803. Subject: (S) US/UK CTB Consultations.

Secret—Entire text

1. Following the meeting on issues related to high yield testing, the UK asked for a meeting at FCO to cover broader CTB issues. UK side, led by Assistant Under Secretary Patrick Moberly and Ambassador Edmonds, included Dennis Fakley (MOD), Tony Reeve (FCO), Michael Warner (MOD) and Ivor Callen (FCO). US side led by John Marcum (OSTP), included Larry Finch (ACDA), Steve Steiner (PM/DCA), Jack Griffin (DOE), Col. Dick Thornton (JCS) and Embassy Pol-Mil officer.

2. Moberly stated that UK wished to cover four areas: The status of CTB in the light of Afghanistan,<sup>2</sup> the UK–NSS issue, other CTB issues in 1980, and plans for future US/UK bilaterals.

3. Marcum said that in the course of deciding on actions US would take in response to Soviet invasion of Afghanistan, USG had looked at whether CTB negotiations should continue. Decision was taken that negotiations should continue at a slow pace. Talks should continue because they are in the US and Western interest, and because they have an important international dimension, particularly with the NPT REVCON approaching in August. The US would, therefore, continue with its previous positions and current initiatives in CTB, and will not

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800019–0932. Secret; Priority. Sent for information to the Mission in Geneva and Moscow.

<sup>2</sup> The Soviet Union invaded Afghanistan on December 25, 1979.

try to turn back the clock. In particular, US wants to continue bilateral discussions with the UK on the NSS question, pursuant to the Carter-Thatcher<sup>3</sup> and Vance-Carrington<sup>4</sup> talks in Washington, at which US undertook to look into possibility of providing equipment for 3 stations in UK dependent territories, while UK looked into possibilities for locating them. US and UK should work expeditiously to develop a common position on this issue, and then consult closely on the tactics of how and when to use this move with the Soviets in Geneva.

4. Moberly said UK ministers would regard this statement of USG policy as important. He said that although UK ministers had not specifically reviewed future of CTB post Afghanistan there was no intention to halt negotiation or to disengage from the talks as a result of the crisis in Afghanistan. He inquired regarding the meaning of the phrase, "proceed at a slow pace." Marcum responded that US plans to continue with CTB, but expected that the agreement would not be completed prior to SALT II ratification. This meant that the work remaining would be stretched out over a longer period. Marcum stated that the US did not intend to halt progress in the talks, or to delay the talks. At present we believe the talks should resume on Feb 4 as scheduled. Also, in preparation for the NPT REVCON, negotiations should show some limited progress over the next few months, even though US foresees actual CTB completion in a much longer time frame. The essential thing now, he suggested, was for US and UK to make progress bilaterally as soon as possible, so the Soviets cannot exploit differences between us.

5. Moberly said Soviets may try to raise CTB in the CD and asked how we should respond. Both US and UK participants agreed that one should try to insure that CD has other issues to work on in order to keep pressure off CTB. UK side asked whether US could permit multi-lateral negotiation in the CD of the CTB preamble or review conference language. Marcum replied that while the preamble might be a possibility eventually, the review conference language is much more sensitive. UK side pointed out that even if we succeeded in holding off CD pressures, US and UK face a multilateral problem with the coming NPTRC. US side acknowledged this, and pointed out that it is therefore important for US and UK to be on the high ground in the talks.

6. UK/NSS issues: UK presented US with preliminary working paper on NSS issues.<sup>5</sup> Moberly said NSS is not necessarily the key issue to get the talks moving and could possibly be saved for later. US side responded in general terms that US sees broad range of verification issues as crucial, and did not want separation of multilateral treaty

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<sup>3</sup> See Document 242.

<sup>4</sup> Not found.

<sup>5</sup> Not found.

from SVA issues. UK side then agreed that NSS is one of several important issues. Marcum pointed out that since this issue is the key question publicly known to be at stalemate, US and UK should concentrate on agreeing bilaterally on this issue on the basis of discussions during the Thatcher visit. US and UK should also consider the tactical aspect of the issue. For example, one might want to see what the Soviets put on the table prior to deciding how to play a new UK NSS position in Geneva.

7. UK side asked status of internal US deliberation on NSS financing issue and stressed that this would be important to decision by UK ministers. Marcum said work is in progress on whether US would be able to fund equipment for additional UK NSS stations, but USG will need more time to reach final position. It would be helpful to US in meantime to know how UK views the issue at this stage. Moberly replied that the UK paper demonstrates that the UK is looking seriously at possible sites in the Southern Hemisphere. He urged that US get its views to UK as soon as possible. US side agreed that it would do its best to get back to UK as soon as possible.

8. Marcum pointed out that NPT monitoring value—and prospects for US funding of equipment for additional UK NSS sites in Southern Hemisphere—could be enhanced if additional monitoring equipment such as acoustic and ionospheric sensors, ocean bottom seismometers, radiation detectors, etc., could be installed at these locations. He noted utility such sites would have had in context of problem of evaluating September 22 possible nuclear explosion in South Atlantic.

9. Prototype: Marcum said US also wished UK to look at possibility of participating in the NSS prototype program, and possibility of placing a prototype station in Southern Hemisphere UK site. Fakley (UK MOD) agreed that there would be a case for doing this in Southern Hemisphere, as it could provide helpful experience on stations on small island locations. While technically interesting, much will depend on whether UK ministers agree to the principle of NSS in dependent territories. Moberly asked whether the prototype question could be considered regardless of whether the UK were willing to accept 3 additional stations. The US side responded that the issue might be viewed independently, although it would be preferable to resolve UK NSS numbers issue at same time. Moberly said this was an interesting idea which UK would consider.

10. Next steps: Edmonds said it seemed unlikely that one would have both a firm US offer and a UK Ministers' decision by Feb 4. Marcum agreed but said US would hope for further discussions before then or shortly thereafter. There would also need to be consultations between the two Delegations before the negotiations resume. Reeve said UK had explored NSS issue with FCO Minister of State Hurd in a preliminary way. It was clear that before UK could review its position

the shape of the US offer must be clear. UK side undertook, however, to see how much further issue of sites might be reviewed at senior official level on basis of information now available. Marcum repeated that USG would also get back to UK with its views as soon as possible.

11. Other issues: Edmonds asked that US reconsider its refusal to discuss the preamble, as he felt current US position could not be defended at NPT REVCON. He expressed concern that this issue could be placed in a multilateral forum against US wishes if US was not ready to discuss it. Marcum took note of this and said US would review all open CTB issues, both on substance and tactics. On review conference, Edmonds acknowledged that ball is in Soviet court in formal sense and that this is more delicate issue than preamble. Marcum noted the US saw no need to reconsider its position on this issue and UK agreed. UK also asked that US look at presentation of CTB issues at NPTRC (and publicly if Soviets break ranks). UK agreed with US view that coordination on these matters would best be done in Geneva, with support from London and Washington.

12. On question of next bilateral, UK side suggested that US Delegation members and possibly some Washington officials come to London for consultations on Jan 30 or 31, prior to resumption in Geneva.

**Brewster**

**245. Paper Prepared by an Interagency Review Group<sup>1</sup>**

Washington, January 30, 1980

**NEW NSS ISSUES IN THE CTB NEGOTIATIONS**

A basic issue relating to National Seismic Stations (NSS) which has been under consideration on an interagency basis over the past several weeks is:

—whether our willingness to provide US NSS equipment to the USSR should be reconsidered, and in particular whether our offer to lend an NSS unit to the USSR for joint testing should be changed, in light of post-Afghanistan guidelines on scientific exchanges and technology transfer to the Soviet Union.<sup>2</sup>

If it is determined that we want to maintain our general approach to NSS in the negotiations, and that we are still prepared to lend the Soviets an NSS unit, then two NSS issues in relation to the UK are:

—whether we should offer to fund the equipment for three additional UK NSS in the Southern Hemisphere, in the context of the UK shifting from a one-site to a four-site NSS position, and

—whether the US should offer to lend the UK an NSS unit for joint US–UK–USSR testing at a UK site in the Southern Hemisphere.

This paper provides a brief review of the background on these issues for decision, together with the principal factors bearing on each of them. Negotiating tactics and timing are also discussed.

As background for considering the NSS issues outlined above, following is the projected timetable for production of prototype NSS units. The first unit will be installed in Alaska in February 1980. An older unit which has been tested in Tennessee will be upgraded to current standards; this unit could then be available for loan to the USSR or the UK (although it will differ in some respects from the other NSS units). Another unit should be ready in March 1981, with additional units expected in May and July 1981; these units are being produced for use in a 5-station research network in the US, but they could be made available for other uses if deemed appropriate.

***I. Technology Transfer Issue***

The immediate case at issue is whether our offer to lend an NSS unit to the USSR for joint testing should be withdrawn in light of post-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 11, SCC 297, CTB, 4/3/80. Secret.

<sup>2</sup> On January 4, Carter announced that he had “directed that no high technology or other strategic items will be licensed for sale to the Soviet Union until further notice.” (*Public Papers: Carter, 1980–81*, pp. 21–24)

Afghanistan guidelines on scientific exchanges and technology transfer to the Soviet Union.

### A. Background

This issue must be considered in light of earlier analyses of the technology transfer question, the US proposal to lend the Soviets an NSS unit, and new circumstances in the post-Afghanistan period.

*Technology Transfer Analyses.* The question of technology transfer associated with providing US NSS equipment for use at stations in the USSR was examined on an interagency basis in 1977,<sup>3</sup> in 1978,<sup>4</sup> and again in 1979<sup>5</sup> (in preparation for the visit of Soviet experts to the US). In each instance, the responsible agencies determined that the NSS equipment could be transferred to the Soviet Union for use in *monitoring a CTB treaty*. In its review of this matter in 1978,<sup>6</sup> the DOD cited the following grounds for concurring in the transfer:

—It is not practical to “reverse engineer” the critical components and produce them in quantity.

—The number of NSS is small enough so that diversion to other applications would be no threat.

—Since the equipment would be provided in connection with an international treaty, it would not set a precedent for approval of export of system components alone.

Two conditions were imposed by the DOD:

—The Soviets should not be given manuals or data on how to build critical elements of the NSS (or any embargoed items).

—DOD should be consulted in connection with any Soviet request to be present when the NSS equipment is being manufactured.

On June 30, 1978, the Department of Commerce authorized the transfer of NSS technical data and hardware to the USSR.<sup>7</sup> Consistent with the DOD recommendations cited above, Commerce specifically excluded from its authorization any technical data relating to production of NSS components. The 1979 review, completed just before Soviet experts visited the US, approved transfer of the equipment on the same basis as the 1978 authorization (outlined above).

*US Prototype Proposal.* It was decided that the US would offer to transfer one NSS to the USSR. The US CTB Delegation was instructed in

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<sup>3</sup> Not found.

<sup>4</sup> The 1978 Interagency Study of NSS technology transfer to the Soviet Union is available in Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, Comprehensive Test Ban Treaty, 1978.

<sup>5</sup> Not found.

<sup>6</sup> Not found.

<sup>7</sup> Not found.



early December 1979—at the end of the last round—to offer the USSR, on a loan basis, a prototype NSS unit for joint testing by US, UK and USSR experts at a site in the USSR.<sup>8</sup> The Soviets were also invited to participate in NSS test activities at a site in Alaska. The US proposal for joint testing of NSS equipment was portrayed to the Soviets as our response to earlier Soviet requests for two complete sets of US NSS equipment and five specific components. The Soviets have not yet responded to the December proposal.

*Post-Afghanistan Restrictions.* It was decided on January 2, in response to the Soviet invasion of Afghanistan, that the US would tighten controls on US exports to the USSR on a case-by-case basis. Specific technology transfer cases are currently being reviewed. Factors being considered in these reviews include whether the equipment is “space qualified” (as some parts of the NSS equipment are).

### B. Discussion

There is agreement that this is primarily a political issue. It requires weighing one set of US objectives against another: On the one hand, there are the US objectives in relation to the CTB negotiations and the NSC Action Plan that led us to make the proposal in the first place. On the other hand, there is the need to take into account the present policy of restrictiveness towards exports to the USSR.

A question has been raised as to whether the earlier determinations that the NSS equipment could be transferred to the USSR for use in monitoring a CTB treaty are also valid for the proposed joint prototype test and evaluation effort in light of post-Afghanistan guidance.

—One factor to be considered is whether the interaction between US and Soviet technicians in such a joint effort could result in the sharing of information on manufacturing processes that we would not want transferred.

—If so, then we should work out modalities for the proposed joint effort to try to ensure that the type and level of interaction would not permit the exchange of more information than we considered appropriate.

At present, before the Soviets have responded to our proposed joint prototype testing effort, the Delegation does not require further guidance on the specific features of the US-proposed joint program; if necessary, the Delegation can take questions and report them to Washington. The nature of the Soviet response will provide the terms of reference for additional decisions that may have to be taken at a later date.

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<sup>8</sup> The US NSS joint cooperative development proposal is in telegram 19581 from Geneva, December 5, 1979. (National Archives, RG 59, Central Foreign Policy File, D790561–0762)

Some possible Soviet reactions to our proposal are as follows:

- They may not respond at all for some time, or they may respond negatively.
- They may renew their proposal for two sets of NSS equipment and the five components.
- They may react positively in principle but have specific ideas regarding the features of the joint effort.

In any event, if the Soviets are receptive to the idea of a joint program, it will take considerable time to work out its main features, and we will have time to develop our specific approach in response to Soviet reactions to our loan offer. If further study of the technology transfer issue is deemed appropriate, this should provide time for such a study to be undertaken and to be factored in as we plan our specific approach. It would be desirable for internal US planning purposes, however, to proceed to work out the details of our proposal for a joint NSS test effort as we see it.

### *C. Issue for Decision*

For now, the issue for decision is whether to withdraw our prototype NSS loan offer or to let it stand; and if we let it stand, how the Delegation should deal with it in the February round. There are three basic options:

#### *Option 1. Withdraw the NSS prototype loan offer.*

- Would reinforce general post-Afghanistan technology transfer policy.
- Would send a clear signal to the Soviets regarding the negative consequences for a CTB (and arms control generally) of their invasion of Afghanistan.
- Would constitute a setback to CTB negotiations, probably precluding further progress on verification issues for some time. Could lead to collapse of the negotiations.
- Could precipitate public charges by the Soviets that the US had undermined the CTB negotiations.
- Could jeopardize long-term US objective of having our equipment used at NSS in the USSR, since Soviets could claim that US refusal to transfer US equipment left them no alternative but to use their own equipment.
- Could deny us information from prototype testing that might be useful in relation to estimating yields of Soviet high yield tests.

#### *Option 2. Let prototype loan offer stand but do not press for Soviet response.*

- Would neither promote progress in the negotiations nor constitute a setback.
- Would facilitate Soviets resisting progress on joint program pending resolution of other issues such as UK NSS question.

*Option 3. Let prototype loan offer stand and press Soviets for response.*

—Would signal US interest in making progress on NSS issues.

—Would keep pressure on Soviets to move forward with NSS technical issues.

—Would forego opportunity to use withdrawal of NSS loan offer to reinforce post-Afghanistan technology transfer policy.

## II. *UK Funding Issue*

Should the US offer to fund equipment for three UK NSS in the Southern Hemisphere, in the context of the UK shifting its negotiating position from one NSS to four?

### A. *Background*

For well over a year, negotiation of NSS issues in Geneva has been deadlocked over the question of the number of UK NSS sites.<sup>9</sup> The Soviets have taken the position that the UK should have ten NSS (one in the UK proper and nine in dependent territories around the world) if the US and USSR are to have ten. The UK has offered one NSS in Scotland and has strenuously resisted moving to a larger number, citing technical and budgetary considerations. We have supported the UK on this in Geneva, particularly in the last round, although advising them privately that we thought they would eventually have to move to a larger number in order to resolve the impasse.

During Prime Minister Thatcher's December 1979 visit to Washington,<sup>10</sup> the President suggested that the UK consider offering three additional NSS sites, for a total of four, and it was agreed between Foreign Secretary Carrington and Secretary Vance<sup>11</sup> that the UK would consider the possibility of three additional locations for installing NSS while the US would look into the possibility of funding the equipment for those stations. During discussions on January 10 with a US team visiting London,<sup>12</sup> UK spokesmen presented a staff-level technical review of NSS siting issues, but said the UK did not intend to initiate a policy-level review of this matter until they have received a specific US funding proposal.

What is needed, therefore, is a decision on the next step with regard to making a specific funding proposal to the UK; if the UK then decided to shift from one NSS to four, we could consider with them questions of timing and tactics for presenting the new UK position to the Soviets in Geneva. A new UK NSS position need not be presented to the Soviets early in the February round, and perhaps not until we have heard from the Soviets again on this issue.

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<sup>9</sup> See Documents 240, 241, 242, 243, 244, and 245.

<sup>10</sup> See Document 242.

<sup>11</sup> *Ibid.*

<sup>12</sup> Not found.

## B. Discussion

Although we are insisting on the use of US equipment at NSS in the USSR, we do not yet know whether the Soviets will ask that their equipment be used at sites in the US and UK. Thus, to relieve the UK of the financial burden of acquiring equipment for three additional NSS sites, a US funding offer must apply regardless of whether the UK ultimately uses US or Soviet equipment. The cost of US equipment and related assistance to the UK for three NSS is estimated at \$6–8 million; there is no reason why the cost should be higher for Soviet equipment. What would be involved at present is a commitment in principle to seek this funding at an appropriate time in the future; no specific budgetary actions need be undertaken at present.

Following are factors bearing on this issue:

- US offer to fund equipment for three additional UK NSS could lead to UK to shift to four-site NSS position.

- UK will be concerned that any movement beyond one station could result in pressures in the future for them accept a number larger than four.

- We should assure the UK that if they shift to four stations we will stand firmly with them in trying to resolve the UK NSS issue on this basis.

- Nevertheless, the UK probably will seek assurances that our offer to fund equipment would apply for additional NSS if they eventually moved beyond four stations.

- We would make clear to the UK that the Executive Branch can only make a commitment to request funds for UK NSS from the Congress at an appropriate time. The UK would have to take into account the possibility that the Congress might not approve these funds.

- There are differing views regarding the relationship of US assistance to the UK and overall US–USSR funding arrangements:

- Some are concerned that an offer of US funding of equipment for UK stations would complicate working out funding arrangements with the USSR in the future, and they argue that the basic ground rules for financing NSS in all three countries should be negotiated before the US makes any commitments to the UK.

- Others feel that these overall arrangements cannot be negotiated until the Soviets agree to use US equipment, and that we will never reach that stage of the negotiating process until the impasse over UK NSS is broken.

- Contribution of three additional UK NSS to monitoring UK compliance with CTBT would be marginal.

- Three additional UK NSS in Southern Hemisphere could make some limited contribution to NPT monitoring (as discussed in attached CIA paper):<sup>13</sup>

- These NSS probably would not improve detection capabilities, due to high noise environment of island locations.

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<sup>13</sup> Not attached.

—They could be helpful, however, in identifying as earthquakes or explosions nearby seismic events detected by other seismic stations.

—In terms of NPT and LTBT monitoring, the US and UK could both benefit by installing (on a bilateral basis) other sensors at nearby sites to help monitor atmospheric and underground explosions in the Southern Hemisphere.

—Co-locating these sensors with NSS sites would permit use of UK diplomatic leverage in areas where direct US access may be limited. Could also take advantage of presence of UK personnel and secure communications facilities.

—Additional costs would be involved, and detailed analysis of the costs and benefits of such additional sensors could be investigated—taking into account planned AEDS improvements and other alternatives—after specific locations are identified by the UK.

### III. *UK Prototype Issue*

Finally, there is the issue of whether we should offer to lend the UK an NSS unit for joint testing at a UK site in the Southern Hemisphere.

This would involve the loan of an NSS unit to the UK on the same basis as the offer already made to the USSR. Offering an NSS to the UK for joint testing would not be appropriate unless we are continuing with our overall NSS approach in relation to the USSR. If this is the case, some factors bearing on the decision are as follows. Setting up a prototype test facility in the Southern Hemisphere:

—would broaden UK participation and reinforce the US prototype test proposal made to the USSR;

—could make some limited contribution to NPT monitoring, depending on location;

—could enable us, in NPT Review Conference, to point to cooperative efforts at UK site as evidence of ongoing activities;

—would offer opportunity to further demonstrate utility of satellite communication for NSS data transmission from remote sites;

—could involve trade-offs between providing USSR or UK an NSS unit, due to limited number of NSS units available prior to March 1981.

Considerations will also vary somewhat depending on our decision regarding funding equipment for three additional UK NSS.

—If we decide *not* to fund equipment for three additional UK NSS sites, offering the prototype could still keep a little pressure on UK to move off its one-station position in the future.

—If we decide to *defer* the UK equipment funding decision, but offer to lend the UK a prototype unit, this would give them an opportunity to signal some flexibility if they wanted to do so.

—If we decide to *fund* the equipment, and this leads the UK to shift to a four-station position, they might be interested in the prototype loan as a way to gain wider participation in the NSS program at an earlier date.

The UK, however, may see in the offer of a prototype NSS unit an opportunity to defer changing its NSS position, since by accepting the prototype and thus signalling the *possibility* of a future change of position, they could hope to ease the pressures somewhat.

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## 246. Editorial Note

The issues of funding of National Seismic Stations (NSS) for the United Kingdom and the potential transfer of NSS equipment to the USSR continued during the spring of 1980. The Special Coordination Committee (SCC) scheduled a meeting for March 12, 1980, to discuss these issues.

Regarding the funding issue, an agenda for the SCC meeting prepared by the National Security Council (NSC) identified three options: The United States could (1) "inform the UK that we are willing to make a commitment to seek appropriate funding from Congress if they are willing to locate three NSS in their dependent territories in the Southern Hemisphere;" (2) "Defer decision and inform UK that this possibility remains under serious review;" (3) "Inform UK that we have decided not to fund NSS equipment for UK stations." Secretary of State Cyrus Vance endorsed Option 1. No record of Vance's recommendation has been found.

As for the technology transfer, an ad hoc group of the NSS SCC Working Group had begun to review "prototype equipment in order to identify elements of that equipment that could raise technology transfer questions. The group will then assess options for replacing those elements with others involving less advanced technology, taking into account any degradation of NSS performance, delays in the NSS program schedule, and implications for the CTB negotiating process." Once this assessment had been completed, the SCC would decide "whether we should reconsider our willingness to transfer US NSS technology to the Soviet Union to gain information for CTB monitoring, and in particular, whether we should withdraw our offer to loan them an NSS prototype for joint testing and operation." (Agenda: SCC Meeting on BW and CTB, March 12; Carter Library, National Security Council, Institutional Files, Box 11, SCC 297, CTB, 4/3/80)

On March 13, NSC staff members John Marcum, Ben Huberman, and Jasper Welch informed the President's Assistant for National Security Affairs, Zbigniew Brzezinski, that "we think funding of the UK equipment would be an acceptable outcome once we are prepared to

move the talks ahead. It would help us achieve our NSS verification objectives and the Southern Hemisphere sites, although not contributing to CTB monitoring per se, would augment our NPT monitoring capability. Nevertheless, moving ahead with Cy's proposal *now* might be viewed on the Hill as inconsistent with our general post-Afghanistan policy and belt-tightening on government expenditures." Marcum, Haberman, and Welch recommended that the United States "defer Cy's proposal at present." They also contended that given "Thatcher's personal opposition to CTB and our shared post-Afghanistan concerns, they would probably be amazed if we tried to close the deal at this time." (Memorandum from Marcum, Huberman, and Welch, March 13; *ibid.*)

A March 13, 1980, memorandum from the Nuclear Test Monitoring Working Group to Stansfield Turner, the Director of the Central Intelligence Agency, restated the issues that would be discussed at the SCC meeting, which had been rescheduled for March 14. An unknown hand, however, twice changed the date for the SCC meeting, first to March 26, and then to April 1. No summary of conclusions or minutes of the SCC meeting, which likely occurred on April 3, has been found. (*Ibid.*)

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**247. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, April 2, 1980, 1428Z

5176. USCTB. Subject: CTB Negotiations: Assessment of Round Ten. Ref: Interim Assessment, CTB 548.<sup>2</sup>

CTB message no. 575

(S—Entire text)

Summary. Although tempo increased somewhat in recent weeks, negotiations this round proceeded at a very slow pace and little progress was made on substantive matters. The ad hoc working group provided the principal negotiating forum, reaching agreement re-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800166–0089. Secret; Immediate; Exdis. Sent for information Priority to London and Moscow.

<sup>2</sup> Telegram 3746 from Geneva, March 7, provides an interim assessment of the tenth round of the CTB negotiations. (National Archives, RG 59, Central Foreign Policy File, D800118–0359)

garding the three technical characteristics of borehole seismic equipment deferred from last round.<sup>3</sup> OSI working group also met frequently. The outlook for the next round is for further lack of progress, unless the general political climate improves so as to allow a concerted effort to reinvigorate negotiations. End summary.

1. This message contains Del's final assessment of Feb. 4–April 5, 1980 round of CTB negotiations.

2. Since the Interim Assessment of March 7 (CTB 548), the negotiations moved forward somewhat. Nonetheless, negotiations during the round as a whole proceeded at a very slow pace and little progress was made on substantive matters.

3. Ad hoc working group: The major negotiating activity was conducted in the reconstituted ad hoc working group on NSS technical characteristics, which met between March 19 and March 26. The U.S. and UK Dels had repeatedly urged that the Delegations address the three technical characteristics deferred in the group's report to the heads of Del last round (CTB 499).<sup>4</sup> During this round, the group essentially completed consideration of all the technical characteristics proposed by U.S. Del concerning the seismic component of NSS borehole equipment. U.S. Del has also urged that reports of this group be promptly converted into composite ad referendum text of Article I of the technical annex to the separate verification agreement, and that the Dels begin negotiation of other outstanding NSS technical matters. Del notes that the group became somewhat less "ad hoc" in nature this round. This round, participants of all three Dels were led by spokesmen who have been on Dels for some time, instead of by special experts brought in from capitals. This trend is in U.S. interests. Soviet Del has, however, been unwilling to go so far as to call this group the NSS working group, in line with its policy that it will not institute NSS working group discussions until UK NSS issue is resolved.

4. OSI working group: The OSI working group continued to meet, addressing two topics. Bulk of time was devoted to consideration of text regarding technical characteristics of basic equipment to be used on an OSI. At Soviet suggestion, group also took up questions of local orientation of designated personnel within inspection area, particularly those concerning scale and stereoscopic nature of aerial photographs; these topics will be addressed further next round. Soviets continue to profess to want progress in OSI area, but have not put forward new ne-

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<sup>3</sup> Equipment that drills hole into the earth where seismometers are installed to measure seismic activity.

<sup>4</sup> CTB Message No. 499, or telegram 17760 from Geneva, November 2, 1979, is in the National Archives, RG 59, Central Foreign Policy File, D790509–0695.



gotiating positions. No substantive progress was recorded in the OSI working group this round.

5. Report to CD: U.S. and UK Dels prepared draft of trilateral report to be delivered sometime during next round to committee on disarmament. Report, with certain additions, was cleared by U.S. and UK CD and CTB Dels, and with London (CTB 551<sup>5</sup> and 560).<sup>6</sup> However, per guidance from Washington,<sup>7</sup> we informed Soviet Del that a draft would be provided to them via diplomatic channels during the recess. It is expected that the process of obtaining trilateral agreement on this report will be a major activity in the next round.

6. Other CD activities: Throughout round Del consulted with U.S. CD Del in order to monitor CTB-related activities in CD. Proposals for CTB working group in CD and for other potentially harmful CTB-related activities have thus far been quashed. The CTB Del strongly supports U.S. CD Del's efforts in this regard.

7. Negotiating issues: Question of numbers and locations of UK NSS was discussed infrequently, although Soviets insist it remains largest immediate hurdle in negotiations. At final plenary, Soviets repeated that solutions to other NSS technical matters would depend on progress on the UK NSS question and that the U.S. and UK desire to achieve a treaty would be judged by movement on this issue. No Del indicated any change in its position on this issue (CTB 533,<sup>8</sup> 535,<sup>9</sup> 543,<sup>10</sup>

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<sup>5</sup> CTB Message No. 551, or telegram 3886 from Geneva, March 11, contains the US/UK draft text of a trilateral report on the CTB negotiations to be delivered to the Committee on Disarmament in June. (National Archives, RG 59, Central Foreign Policy File, D800125–0431)

<sup>6</sup> CTB Message No. 560, or telegram 4481 from Geneva, March 19, contains the revised US/UK draft of the trilateral CTB report after the UK government suggested changes. (National Archives, RG 59, Central Foreign Policy File, D800140–0735)

<sup>7</sup> Not found.

<sup>8</sup> CTB Message No. 533, or telegram 2665 from Geneva, February 19, reported that Earle and Helman had met with Petrosyants on March 13 to discuss the UK NSS issue. (National Archives, RG 59, Central Foreign Policy File, D800087–0940)

<sup>9</sup> CTB Message No. 535, or telegram 2738 from Geneva, February 20, reported that after Edmonds "called for work on NSS technical matters," Petrosyants said "the U.S. and UK Dels should reciprocate for past Soviet flexibility and abandon their unrealistic position on UK NSS. This would create the conditions necessary for progress on a broad front." (National Archives, RG 59, Central Foreign Policy File, D800089–1013)

<sup>10</sup> CTB Message No. 543, or telegram 3022 from Geneva, February 25, contains the text of two USSR plenary statements by Petrosyants. The first, made at the opening of the plenary, said that "the Soviet Delegation is prepared to continue in a constructive manner to seek possibilities for moving ahead along all the basic lines of the negotiations." In the second, delivered after the U.S. statement, Petrosyants said "we expected much more from the U.S. and UK Delegations regarding the substance of the specific questions facing us," in particular the issue of UK NSS. (National Archives, RG 59, Central Foreign Policy File, D800024–0168)

571).<sup>11</sup> Question of U.S. December 5, 1979 proposals for NSS joint cooperative development program<sup>12</sup> was carefully avoided by both sides in formal statements and informal discussion by Heads of Del, although it was raised several times informally by one member of Soviet Del. (Evidently, Moscow instructions to Soviet Del to avoid raising this topic are as firm and as explicit as ours. Del believes we cannot expect Soviets to address this issue until we explicitly raise the subject again.) We stated that all our proposals remain on the table and that the Delegations should proceed on that basis (CTB 525,<sup>13</sup> 531,<sup>14</sup> 541,<sup>15</sup> 556).<sup>16</sup>

8. Soviet positions and attitudes: Soviets were cautious and low-key throughout the round. They negotiated in a businesslike fashion, but did not put forward any new positions. They appeared to expect the U.S. and UK Dels to follow a similar course. They apparently believe that the negotiations will proceed at about the present pace until the overall political situation is altered. Soviets observe that negotiations are blocked in political and NSS working groups, and have increasingly urged progress in OSI working group, but have shown no sign of flexibility.

9. UK positions and attitudes: The UK Del gave no indication of any change in its position regarding UK NSS. They conveyed strong disappointment over inability to deliver draft of CD report to Soviet Del this round.

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<sup>11</sup> CTB Message No. 571, or telegram 5133 from Geneva, April 1, reported that at the closing plenary, the "heads of Del formally accepted second report of ad hoc working group on NSS technical characteristics, calling it a useful contribution." Nevertheless, "all three Dels expressed dissatisfaction with lack of progress this round, with U.S. and UK Dels criticizing Soviet position regarding technical characteristics of OSI basic equipment. Soviets described NSS question as all-important to conduct of negotiations, stating that U.S. and UK movement on this issue would demonstrate our desire to achieve a treaty." (National Archives, RG 59, Central Foreign Policy File, D800164-0551)

<sup>12</sup> See footnote 8, Document 245.

<sup>13</sup> CTB Message No. 525, or telegram 1986 from Geneva, February 7, reported that all three Delegations "made brief statements concerning the need for progress in our negotiations." (National Archives, RG 59, Central Foreign Policy File, D800066-0753)

<sup>14</sup> CTB Message No. 531, or telegram 2142 from Geneva, February 11, includes "an expansion of the report" concerning the December 15, 1979, US proposal for an NSS joint cooperative program. (National Archives, RG 59, Central Foreign Policy File, D800073-0784)

<sup>15</sup> CTB Message No. 541, or telegram 3031 from Geneva, February 25, reported that Petrosyants "said that further progress on NSS questions would be impossible until the U.S. and UK move ahead on the question of NSS numbers and locations." (National Archives, RG 59, Central Foreign Policy File, D800098-0232)

<sup>16</sup> CTB Message No. 556, or telegram 4389 from Geneva, March 18, reported that the heads of all three Delegations "welcomed the reconvening of the ad hoc working group to deal with the three technical characteristics of the NSS downhole seismic equipment that had been deferred in report completed last round." (National Archives, RG 59, Central Foreign Policy File, D800138-0985)

10. Prospects: We believe the Soviets are not likely to initiate any significant new proposals on the major outstanding negotiating issues, especially those concerning verification, until they judge the overall political climate has improved and the chances are good that the U.S. and UK would reciprocate.

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**248. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, April 11, 1980

SUBJECT

SCC Meeting on CTB (U)

The SCC met on April 3 to review the UK national seismic stations (NSS) issue in the CTB negotiations.<sup>2</sup> As a follow-up to his discussions with Lord Carrington during the Thatcher visit in December,<sup>3</sup> Cy wants authorization to commit us to provide, at no cost to the UK, equipment for three additional NSS stations in exchange for the British finding suitable sites in the Southern Hemisphere and agreeing to offer four sites, vice one, on UK territory.<sup>4</sup> You will recall that the Soviets have said they refuse to pursue further negotiations on NSS until the UK falls off its position. OSD and ACDA strongly supported this approach, but JCS and DOE opposed the proposal. (S)

DOE's concern was that although the total cost of the added UK stations (about \$8 million) is small, it would be difficult to defend on the Hill since they would contribute little to CTB monitoring. However, as Frank Press pointed out, these Southern Hemisphere stations would augment our NPT monitoring capability for events such as the Sep-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 11, SCC 297, CTB, 4/3/80. Secret. Sent for action. Carter initialed the top of the memorandum.

<sup>2</sup> No record of this meeting has been found.

<sup>3</sup> See Document 242.

<sup>4</sup> Telegram 25369 from London, December 21, noted that Vance and Carrington had agreed that "USG would consider problem of financing additional UK NSS while UK would consider additional locations, FCO was beginning to look again at various sites." (National Archives, RG 59, Central Foreign Policy File, [no film number]) No other record of this meeting has been found.

tember 22 possible nuclear explosion in the South Atlantic,<sup>5</sup> particularly if other nonseismic detection equipment could also be installed at these sites. (S)

Dave Jones expressed more fundamental concerns. He stated that CTB is the most difficult arms control issue for the Chiefs, since they do not believe it is in our national security interest. As a result of recent verification concerns, such as possible Soviet testing above 150 KT and the suspect biological weapons incident at Sverdlovsk,<sup>6</sup> he recommended a comprehensive review of CTB and other arms control issues before proceeding further. (S)

A comprehensive arms control review is clearly not a good idea in this election year. The UK NSS issue has stalemated the CTB negotiations for nearly a year and we need to show at least some progress before the NPT Review Conference. I believe Cy's approach is the best bet for getting the British to agree to the four NSS that you have twice urged Thatcher to accept. This is unlikely to over-accelerate the negotiations but would enable us, if appropriate, to move to a more defensible position when the negotiations resume in mid-June. (S)

OMB noted correctly that the British were hiding behind the financial issue and warned that even this small expenditure could be viewed on the Hill as inconsistent with your budgetary constraints. To minimize these political disadvantages, I suggested that we explore funding offsets in other areas where we help the British, such as testing their warheads and providing fuel for their nuclear submarines. Chris thought this might be possible but wanted to close the deal with the UK on going to four NSS before engaging them in an offset discussion. (S)

On balance, I believe we should tell the British that we will need a pro forma UK payment for the three NSS, but that we will offset these costs in future US billings to the UK on other projects by the amount of the NSS cost. This approach will avoid a line item in the DOE budget, but will meet Cy's desire to give the three additional sets of NSS equipment to the UK cost-free. If you agree, I will explore this possibility with UK Deputy Cabinet Secretary Robert Wade-Gery. If a satisfactory agreement is reached on this offset approach, we can then coordinate a message for Cy to send to Carrington. (S)

#### RECOMMENDATION:

That you authorize us to proceed on this basis. (U)

APPROVE \_\_\_\_\_

OTHER \_\_\_\_\_<sup>7</sup>

<sup>5</sup> See footnote 6, Document 244.

<sup>6</sup> See Documents 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122.

<sup>7</sup> Carter checked the "other" option and wrote "I see no justification for a monetary grant of \$8 million to U.K. However, I think they should accept the 4 stations. J."

**249. Report Prepared in the Office of Science and Technology<sup>1</sup>**

Washington, April 25, 1980

[Omitted here is Section I: an introductory paragraph about the Augmented Nuclear Test Program.]

*II. General Impact and Scope of ATP*

The Panel agrees that the ATP as proposed would make an important contribution to increased confidence in the reliability of the U.S. nuclear weapon stockpile under a CTB. The ATP cannot, however, eliminate all concerns about stockpile reliability especially under a protracted CTB. The most important contribution of the program with respect to improving CTB readiness is to make available redundant warheads for the important strategic systems.

Also of importance is the renewed effort to better understand weapon design questions. Such effort will provide the laboratories with a better data base with which to analyze and deal with future weapon problems. Even in the absence of a CTB, the ATP, particularly its increased support for weapons physics would be of value. The nuclear weapons program has suffered in the immediate past because of dwindling budgets and accelerated Phase III testing to meet current needs and a potential CTB deadline.

Of concern is the decrease in the number of experienced, innovative designers. The Panel is worried that the scope of the proposed program is so ambitious that it might overwhelm the laboratories. In particular, acceleration of testing as proposed in the ATP would require a sharp increase at the outset in the number of specialists in the program. It would surely require inducing some experienced personnel who have left the program in the recent past to return to it.

We note that the proposed ATP covers a five-year span, although only the first two years are explicitly discussed. That part of the program that contributes to the availability of tested warheads for U.S. strategic systems is planned to be finished by the end of fiscal year 1980. Thus, a CTB could be undertaken after 1980 without impacting on the availability of tested warheads for U.S. strategic systems. While the remaining portion of the program seems clearly very useful, it is harder to quantify its direct contribution to stockpile reliability and longevity or to other factors that bear on readiness for a CTB. The weapon physics tests could continue profitably for a very long time, indeed. However,

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PRM/NSC–38. Secret. The report was attached to a May 16 covering memorandum from Brzezinski to Brown and Duncan.

since each such test provides some additional understanding of design physics even partial completion of the program will be useful.

[Omitted here are the specifics of the Augmented Nuclear Test Program.]

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**250. Telegram From the Department of State to the Embassy in the United Kingdom<sup>1</sup>**

Washington, May 6, 1980, 1638Z

119590. Exdis, USNATO for PM Director Bartholomew. Subject: CTB: Approach to UK on NSS Numbers.

1. Secret—Entire text

2. As prelude to visit of Lord Carrington, PM Director Bartholomew called in British DCM Fretwell May 2 to inform the UK officially of the President's decision on UK NSS issue.

—Fretwell was accompanied by UK Embassy POL/MIL Counselor Weston. Bartholomew delivered points in paragraph 3.

3. Begin text:

A. The President believes that as we move together to meet the challenge posed by the Soviet invasion of Afghanistan,<sup>2</sup> we should continue to pursue Western security interests through balanced and verifiable arms control agreements, including CTB.

—It is clear that the trilateral CTB negotiations have been bogged down for well over a year.

—We have received some indications that the Soviets might make the case to other States, in connection with the upcoming NPT review conference, that the US and UK are responsible for the continuing stalemate in the talks.

—While we do not accept the Soviet contention, we must naturally try to ensure that the two Western partners are seen in the most advantageous possible light at the review conference in order to protect our mutual non-proliferation objectives.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800224-1231. Secret; Immediate; Exdis. Sent for information Immediate to Moscow, the Mission in Geneva, and USNATO. Drafted by Steven Steiner (PM/DCA); cleared by Robert Einhorn (ACDA), John Marcum (NSC), Neil Michaud (EUR/NE), and Jane Becker (S/S-O); and approved by Mark Palmer (PM/DCA).

<sup>2</sup> The Soviet Union invaded Afghanistan on December 25, 1979.

B. You will recall that both in Washington in December<sup>3</sup> and earlier in Tokyo,<sup>4</sup> the President asked the Prime Minister—as a means of doing our part on the Western side to facilitate progress in CTB—to consider accepting four NSS in the UK and its dependent territories.

—We have looked at various ways together as to how this might be done. One possibility, for example, was reflected in the idea which Secretary Vance and Lord Carrington discussed on a contingency basis in December<sup>5</sup> that if you would look into the possibility of locating three stations in Southern Hemisphere territories, we would examine whether it might be possible to fund the equipment for those three stations.

—The President has concluded after examining this idea that it would not be appropriate for US to finance those stations. We remain prepared, however, to explore other possibilities of mutual cooperation with you.

C. We continue to believe that our key objective should be to nail down Soviet acceptance of 10 NSS on their territory. And we should avoid giving the Soviets any basis for charging that we are obstructing the CTB.

—The President therefore hopes you will be able to accept three stations in the Southern Hemisphere. In our view, such stations would serve our mutual interests in both CTB and non-proliferation monitoring, and give us a much firmer basis for continuing to oppose the unjustified Soviet demand that the UK accept ten NSS.

—On this basis, and after consulting with you on tactics and timing, we would make it clear to the Soviets that the Western side had now done all it can to resolve this question, and we therefore fully expect them to accept the new position. While it's highly unlikely that the Soviets would promptly accept the offer, it would put US in a good position to demand that the Soviets drop their linkages and negotiate seriously on the many difficult and time-consuming verification and other issues which would still remain unresolved.

—If the UK agrees in principle to accept four NSS, we would consult closely with you on how and when to play this in Geneva in order to put the strongest possible pressure on the Soviets. Needless to say, we would stand solidly with you in advancing such a position to the Soviets.

D. Let me stress, finally, that we value the close and cooperative US/UK relationship on CTB policy. We naturally want to continue this, and look forward to working closely with you in coming months on all CTB-related issues, including the question of how to handle CTB both in the CD and at the NPT review conference in August. End text.

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<sup>3</sup> See Document 242.

<sup>4</sup> See footnote 3, Document 240.

<sup>5</sup> No record of this meeting has been found.

4. Fretwell responded by noting that UK experts felt there would be little monitoring value in locating seismic stations in the Southern Hemisphere. Bartholomew replied that our own experts did see at least some such value in Southern Hemisphere sites, especially if other types of sensors were also located there, and noted that this would be of benefit to our mutual non-proliferation interests as well as to CTB.

5. Fretwell then asked how we view near-term prospects in CTB. Bartholomew replied that we're realistic in this regard, but we nonetheless face international pressures on CTB and at least need to be politically positioned to deal with such pressures. We believe NSS question is of particular importance due to the long lead time required to negotiate verification issues in way that meets western interests. Thus, we believe it's worth looking now at the question of UK NSS numbers. Fretwell commented that UK did have this in mind, but were hoping that US would pay for additional stations.

6. Weston asked US view of other pending CTB issues and said "it would help in London" on NSS issue if US were to show movement on its December NSS prototype proposal<sup>6</sup> and on preamble language. Bartholomew replied that our emphasis now is on verification because this will be by far the most time-consuming area to negotiate, and added that we do not consider other questions to be of the political or substantive magnitude of the NSS issue.

7. Pursuing this, Fretwell asked how US would react "if UK thought it would make sense" to link question of a move on NSS with US movement on other issues. Bartholomew replied that it might not be tactically wise for the Western parties to move on several issues at once, and that we should therefore place emphasis on verification areas, as these have the greatest impact on Western interests. He pointed out that the technology transfer issue is already under active review in the USG, and that the preamble question is also likely to be reviewed.

8. Weston asked at the end of the meeting whether US would be prepared to have a bilateral before beginning of next round. Bartholomew replied that we would be happy to do so if UK wished.

**Christopher**

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<sup>6</sup> See footnote 8, Document 245.



**251. Telegram From the Department of State to the Embassy in the United Kingdom<sup>1</sup>**

Washington, May 28, 1980, 2510Z

140484. Subject: CTB—UK Response to US Approach on NSS Numbers. Reference: State 119590.<sup>2</sup>

1. Secret—Entire text.

2. In response to May 2 approach by PM Director Bartholomew on UK NSS numbers, UK Embassy provided following “speaking notes” to Department on May 23.

3. Begin text.

Ministers have noted the President’s decision that it would not be appropriate for the US to fund equipment for additional UK NSS and have given careful consideration to his hope that we would nonetheless be able to agree to three stations in the Southern Hemisphere.

We agree that we should continue to pursue a CTB: That the joint UK/US negotiating position should be as defensible as possible: and that a key objective should be to clinch Soviet acceptance of 10 NSS on their territory. However we are mindful of the President’s earlier decision that the CTB negotiations should continue ‘at a slow pace’,<sup>3</sup> reflecting the view, with which we agree, that there is now no prospect of bringing the CTB to fruition this year. This leads us to a different conclusion about the desirability of our agreeing to accept three additional NSS at this juncture:

(A) Our overall conclusion in the technical study we handed to the US team in London on 10 January<sup>4</sup> was that the gains in verification capability of NSS in dependent territory sites in the Southern Hemisphere would be marginal, whether for monitoring NWS or NNWS.

(B) In addition to the technical objections there are political, security and logistical difficulties in finding suitable sites. The Falkland Islands, which appears to be technically the best site, would present US with a serious political problem with Argentina. There would be no site in the Indian Ocean if Diego Garcia is ruled out on security grounds. This would leave only Pitcairn in the Pacific and islands in the South Eastern Atlantic.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800263–0732. Secret; Priority; Exdis. Sent for information to the Mission in Geneva and Moscow. Drafted by Steven Steiner (PM/DCA); cleared by Robert Einhorn (ACDA), John Marcum (NSC), Neil Michaud (EUR/NE), and William Butcher (S/S–O); and approved by Palmer.

<sup>2</sup> See Document 250.

<sup>3</sup> Not found.

<sup>4</sup> Not found.

(C) It is increasingly widely recognized, especially by our allies, that the stalemate in the negotiations derives principally from wider difficulties in East/West relations, including particularly the postponement of SALT ratification.<sup>5</sup> Pending a change in the current political atmosphere, real progress on key issues seems unlikely. We have accepted that some of the most difficult, requiring US decisions, may have to wait until after the presidential election. An isolated concession on UK NSS will not lead to progress on a broad front.

(D) We are not convinced that an increased UK offer would improve our chances of inducing the Russians to drop their linkages and negotiate seriously on other unresolved issues. Their refusal to do so is already one of the most indefensible aspects of their position. Recognizing, as we do, that the negotiations cannot be concluded this year, they may well pocket any concession over NSS and press for a further increase in 1981. However strongly the Americans supported us, there would be no guarantee that a further concession would not be required in order to achieve agreement.

In short we consider that any such difficult decision, involving our departure from the only strongly defensible technical position, should be contemplated only when it is likely to achieve a positive result in the form of a complete treaty. Meanwhile our tactic should be to continue to press the Russians to leave numbers of UK NSS aside.

We are however concerned to find suitable subjects to occupy the negotiations. Without additional negotiating substance the coming round will be even more strained than the last. At the same time, with the approach of the NPT review conference, outside critical attention will concentrate increasingly on the unresolved issues. The combination of these two factors might lead the Russians to assume that we have totally lost interest in a CTB and tempt them into breaking ranks.

We believe therefore that we should concentrate on areas of work which do not involve major controversial decisions on the part of the US and the UK but which will maintain some forward momentum. In our view, negotiation of the preamble would fill this role admirably. This issue, as Mr. Bartholomew acknowledged, is not of the same political or substantive magnitude as the question of NSS. Precisely for that reason, we think it offers an attractive basis for keeping the negotiations going. The Soviet Union table a draft on 26 July 1978<sup>6</sup> which they

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<sup>5</sup> On January 3, Carter requested that the Senate delay consideration of the SALT II treaty after the Soviet invasion of Afghanistan. (*Public Papers: Carter, 1980–81*, p. 12)

<sup>6</sup> The Soviet draft preamble is in telegram 11528 from Geneva, July 26, 1978. (National Archives, RG 59, Central Foreign Policy File, D780306–1137)

reintroduced on 12 June 1979.<sup>7</sup> We gave you a UK draft on 9 October 1978<sup>8</sup> which conformed to the well established pattern for arms control and disarmament agreements. In view of the many precedents, we do not regard discussion of the preamble as in any way prejudicial to Western interests.

The approaching NPT review conference makes it highly desirable that we should be closely in step. Quite apart from the points more particularly bearing upon strategy for the next negotiating round of CTB, we think it would be useful if we could compare notes on the wider context of how to approach the NPT review conference, in particular Article VI of the treaty<sup>9</sup> and how the CD should be involved. If you thought it worthwhile, Patrick Moberly's presence in Washington on other business during the week beginning 9 June might provide an appropriate opportunity, for example Thursday 12 June.

British Embassy, Washington, 23 May 1980.

End text.

**Muskie**

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<sup>7</sup> The Soviets re-submitted the draft preamble on June 12, 1979. Discussion of the draft is in telegram 10021 from Geneva, June 13, 1979. (National Archives, RG 59, Central Foreign Policy File, D790268–0209)

<sup>8</sup> Not found.

<sup>9</sup> See footnote 5, Document 211.

## 252. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, July 2, 1980, 10:00–11:30 a.m.

### SUBJECT

SCC Meeting on CTB

### PARTICIPANTS

#### *State*

Deputy Secretary Warren  
Christopher

Reginald Bartholomew, Director  
Bureau of Politico-Military  
Affairs

#### *Defense*

Walter Slocombe, Deputy Under  
Secretary for Policy Planning

#### *JCS*

General David Jones  
Lt. General John Pustay

#### *DCI*

[*name not declassified*] Deputy  
Director for Scientific  
Weapons Research

#### *ACDA*

Director Ralph Earle  
Spurgeon Keeny, Deputy Director

#### *Energy*

Under Secretary Worth Bateman  
Julio Torres, Special Assistant

#### *OSTP*

Director Frank Press  
John Marcum, Senior Policy  
Analyst

#### *White House*

Zbigniew Brzezinski  
David Aaron

#### *NSC*

General Jasper Welch  
Benjamin Huberman

At the SCC Meeting on CTB today, a consensus was reached on four issues which do not involve significant changes in your current instructions but taken together will move us into a more defensible position for the upcoming CD and NPT Review Conferences. They will also enable us to seek some limited progress on verification consistent with your post-Afghanistan decision that CTB should continue at a slow pace. (C)

The first issue involved a long-standing dispute with JCS over whether the US should table a draft preamble text as have the UK and Soviets referring to the objective of halting testing “for all time” as well as other objectives from preambles of treaties to which we are party. The Chiefs were concerned that this could be inconsistent with the limited-duration treaty we are pursuing. We pointed out that our

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 114, SCC 325, CTB, 7/2/80. Secret. The meeting took place in the White House Situation Room. Brzezinski forwarded the Summary to Carter under cover of a July 3 memorandum. (Ibid.) The Department of Defense’s version of the meeting is in Memorandum For the Record, July 3; Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, CTB: Negotiation Issues 1979.

policy is protected fully by the operative duration and review conference provisions we are negotiating, and in the end, they agreed to tabling a slightly modified text referring to this as a long-term goal.<sup>2</sup> (S)

There was also agreement on three related national seismic station (NSS) issues. Based on an interagency review of NSS technology transfer,<sup>3</sup> it was agreed that a high-capacity tape recorder and a bubble memory should be replaced with less sensitive components. This will reinforce our tightened post-Afghanistan export controls and will involve only minimal impact on NSS availability and capability. Pending completion of this review, we had deferred any followup to the proposal we made last December to lend the Soviets an NSS prototype for joint testing and evaluation.<sup>4</sup> Since this issue is now resolved, there was agreement that we should reaffirm this proposal as a means of keeping the pressure on the Russians for some progress on verification.<sup>5</sup> (S)

The final point concerned continued UK intransigence in refusing your urging that they accept four NSSs (with three in the Southern Hemisphere), vice the one in Scotland they have agreed to. In an effort to make some progress on this issue, there was agreement that we should broaden the prototype offer to include loan of an NSS to the UK on the same basis as the USSR. As part of this offer, we should suggest that the UK install the NSS prototype in the Southern Hemisphere, thereby enabling them to show some flexibility in Geneva. We should continue to maintain as our eventual objective that they should accept four NSSs.<sup>6</sup> (S)

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<sup>2</sup> In the right-hand margin, Carter wrote "ok."

<sup>3</sup> See Document 246.

<sup>4</sup> See footnote 8, Document 245.

<sup>5</sup> In the right-hand margin, Carter wrote "ok."

<sup>6</sup> In the right-hand margin, Carter wrote "ok."

## 253. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, September 15, 1980

### SUBJECT

Soviet High-Yield Nuclear Test

### PARTICIPANTS

*State*  
Secretary Edmund Muskie  
Under Secretary David Newsom  
George Vest, Assistant Secretary  
for European Affairs

*Defense*  
Deputy Secretary W. Graham  
Claytor, Jr.  
David McGiffert, Assistant  
Secretary, International  
Security Affairs

*JCS*  
Lt. General John Pustay, Assistant  
to the Chairman

*DCI*  
Director Stansfield Turner  
[*name not declassified*] Deputy  
Director, Office of Scientific  
Weapons Research

*ACDA*  
Director Ralph Earle  
*OSTP*  
John Marcum, Senior Adviser for  
Technology & Arms Control

*White House*  
Zbigniew Brzezinski  
David Aaron

*NSC*  
Marshall Brement

At the end of the PRC meeting on Afghanistan today, an SCC was convened to discuss briefly the high-yield nuclear test which the Soviets conducted on Saturday.<sup>2</sup> [*11½ lines not declassified*]

Following a brief discussion, it was agreed that David Newsom would raise the issue immediately in a meeting he had scheduled on other business with Dobrynin this afternoon. After some revisions, a State-proposed démarche<sup>3</sup> was approved which would note that the test appeared to have [*less than 1 line not declassified*] reaffirm the importance of strict observance of [*less than 1 line not declassified*], and call for

<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 116, SCC 339A, USSR High-Yield Nuclear Test/Afghanistan: 9/15/80. Secret. The meeting took place in the White House Situation Room. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> September 13.

<sup>3</sup> Under Secretary of State David Newsom handed Dobrynin the démarche on September 15. The text is in telegram 246325 to Moscow, September 16. (National Archives, RG 59, Central Foreign Policy File, D800441-0802)

technical consultations on the basis of the proposal we made last December following several earlier Soviet high-yield tests.<sup>4</sup> (At that time, they rejected the proposal arguing that we should first ratify the TTBT). It was also agreed that the SCC would meet next week to review available evidence and consider next steps. [3 lines not declassified] We deferred this contingency step last fall<sup>5</sup> out of concern that it could be overly provocative to the Soviets.<sup>6</sup>

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<sup>4</sup> See Document 243.

<sup>5</sup> Not found.

<sup>6</sup> In the left-hand margin, Carter wrote “clear with me first.”

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## 254. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, September 24, 1980, 2:00–3:00 p.m.

### SUBJECT:

Soviet High-Yield Nuclear Testing

### PARTICIPANTS:

#### *State*

Deputy Secretary Warren  
Christopher

Jerome Kahan, Deputy Director  
Bureau of Politico Military  
Affairs

#### *Defense*

Deputy Secretary W. Graham  
Claytor, Jr.  
Deputy Under Secretary Walter  
Slocombe

#### *JCS*

Lt. General John Pustay, Assistant  
to the Chairman

#### *DCI*

Ray McCrory, Chief, Arms  
Control Intelligence Staff  
[name not declassified] Chief,  
Nuclear & Test Monitoring  
Branch

#### *Energy*

Duane Sewell, Assistant Secretary  
for Defense Programs

#### *ACDA*

Director Ralph Earle  
Spurgeon Keeny, Deputy Director

#### *OSTP*

John Marcum, Senior Adviser for  
Technology & Arms Control

#### *White House*

David Aaron

#### *NSC*

Marshall Brement

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 116, SCC 343, 9/24/80, USSR Nuclear Test. Secret. The meeting occurred in the White House Situation Room. In the upper right-hand corner, Carter wrote “Zbig. J.”

The SCC met today to continue its review of the September 14 Soviet high-yield nuclear test.<sup>2</sup> [12 lines not declassified] After some discussion, there was agreement that to reduce these uncertainties we should have another round of technical consultations with the British, and that OSTP should reconvene its outside panel to review the yield assessment problem. (S)

The SCC also reviewed a State draft of what Ed Muskie should say on this issue in his meeting with Gromyko tomorrow.<sup>3</sup> In view of the uncertainties in our assessment and earlier Soviet rejection of our requests for consultations,<sup>4</sup> there was general agreement with David Aaron's suggestion that we should be assertive, but careful, and ensure that the Soviets understand the implications of this issue for SALT. Consequently, agreement was reached on a modified approach which would reinforce our earlier démarche, express your personal concern, press for a positive response to our proposal for technical consultations, and note that failure to resolve the issue could constitute a severe blow to our SALT ratification efforts. (S)

The question of whether DOE should be authorized to drill a deep test hole was then discussed. State, Defense and ACDA opposed this step in view of its arms control implications and our uncertainties. Defense noted we should first decide whether we actually needed to test above 150 KT and which warhead should be tested. DOE favored the drilling step and noted it should be authorized soon to provide the option for a test by late October. JCS also supported the step but urged that a new hole be funded and drilled, to avoid delaying planned nuclear tests. A consensus was reached that the Working Group should prepare a study of US requirements and costs for testing above 150 KT which with the Soviet response and our continuing technical review would provide a better basis for decision on the drilling issue.<sup>5</sup> (S)

As a final point, David Aaron noted increasing concern over DOE's delay in modifying the NSS as you directed this Summer,<sup>6</sup> and their general unresponsiveness in managing the NSS development program. DOE responded that the problem was partly money and partly

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<sup>2</sup> Memorandum SW-M-80-10077, September 22, provided an assessment of the September 14 nuclear test. (Ibid.)

<sup>3</sup> The undated proposed talking points for Muskie are *ibid*. Muskie and Gromyko met for three hours on September 25; the subject of the Soviet test did not come up. (Telegram Secto 8020 from the Secretary's Delegation, September 26; National Archives, RG 59, Central Foreign Policy File, D800459-0264)

<sup>4</sup> See footnote 3, Document 253.

<sup>5</sup> In the right-hand margin, Carter wrote "Do not do anything re >150 KT test unless I am convinced a) That we really need one and b) We're ready to abandon Limited Test Ban agreement. J."

<sup>6</sup> Not found.



difficulty in locating modified components with adequate capabilities. It was then agreed that ACDA with DOE and OMB would draft an analytical paper discussing the reasons for delay and providing options for faster development including their costs and the possibility of accepting some loss in capacity. (S)

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**255. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Vice President Mondale<sup>1</sup>**

Washington, October 2, 1980

SUBJECT

Soviet High-Yield Nuclear Testing (U)

The President has reviewed the conclusions from the September 24 SCC Meeting on Soviet High-Yield Nuclear Testing<sup>2</sup> and has directed that the following tasks be undertaken:

—OSTP should reconstitute its outside panel of experts to review the yield assessment problem. (C)

—There should be a second round of bilateral consultations with the UK on this issue. (S)

—ACDA with DOE should prepare a study by October 20 of the NSS development program, identifying reasons for delay and providing options for faster development, including their costs and the possibility of accepting some loss in system capability. The paper should be reviewed on an interagency basis by the Working Group, including OMB, prior to SCC consideration. (S)

**Zbigniew Brzezinski<sup>3</sup>**

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 116, SCC 343, 9/24/80, USSR Nuclear Test. Secret. Also sent to Muskie, Brown, Duncan, Earle, Press, Jones, and Turner.

<sup>2</sup> See Document 254.

<sup>3</sup> Aaron signed the memorandum on Brzezinski's behalf.

**256. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) and the Director of the Office of Science and Technology Policy (Press) to President Carter<sup>1</sup>**

Washington, October 31, 1980

SUBJECT

Augmented Nuclear Test Program (U)

Earlier this year, you authorized us to develop an Augmented Nuclear Test Program (ATP)<sup>2</sup> aimed at improving the basic research content of our test program and enhancing our readiness for CTB. The initial submission by the weapons laboratories<sup>3</sup> was insufficiently responsive to these objectives and we convened an OSTP panel to review the draft ATP. The Panel produced a useful and interesting report (Tab C)<sup>4</sup> and most of its recommendations were incorporated in the final ATP (Tab D),<sup>5</sup> which is supported strongly by Harold Brown and Charles Duncan (Tab E).<sup>6</sup> (S)

The ATP consists of a detailed two year test plan under which our testing rate would be increased from the present 10–12 to about 20 per year (the current Soviet rate is about 25–30 per year). Also, although not requested, the ATP includes an out-year program for an additional three year effort in which testing would be increased to about 25 per year. Consistent with the OSTP Panel recommendations, the program: (1) emphasizes R&D tests aimed at reducing weapons physics uncertainties such as boosting which are important to stockpile reliability; (2) includes so-called stockpile confidence tests of production-line warheads and alternate warheads for key weapons systems (these were not done in the past); and (3) provides for more thorough documentation of warhead design and components and other measures to improve our ability to maintain the stockpile without testing. Brief summary chart on the status of the warhead development effort and R&D objectives of the ATP are included at Tab B.<sup>7</sup> (S)

On the whole, we are well-satisfied with the final draft of the ATP and believe that it merits your endorsement. We feel that your concern that an increased test program not subvert effort toward a CTB has

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 20, PRM/NSC-38. Secret. In the upper right-hand corner of the memorandum, Carter wrote "C."

<sup>2</sup> Not found.

<sup>3</sup> Not found.

<sup>4</sup> Document 249.

<sup>5</sup> Not attached.

<sup>6</sup> Not attached.

<sup>7</sup> Not attached.

been met by keying the ATP priorities to CTB readiness and by explicitly requiring the laboratories to be prepared to halt testing in the event of a CTB. (S)

We have, in addition, been sensitive to your earlier concern with the level of laboratory manpower in addressing the buildup of the testing level. (S)

A buildup to about 20 tests in FY 1982 is appropriate since there are a number of important stockpile confidence tests which can be carried out without elaborate preparations. However, we do not need to decide on whether to increase the level further to 25 until the specific tests involved in shifting the program emphasis towards basic research are identified and reviewed. Consequently, we recommend that the testing rate be limited for now to about 20 per year. (S)

To accomplish this reduced goal, some increase in manpower is necessary (but less than the buildup from the current 7400 to 8100 by the end of FY 84, envisioned by the proposed ATP). Accordingly, with OMB, we will stress efficiencies to minimize the infrastructure buildup associated with the added testing. OMB concurs in this approach and believes that an FY 81 supplemental of less than 50 million dollars is enough to begin the effort (this could raise the FY 81 test level to as many as 14 and allow for preparations for about 20 tests in FY 82); and an FY 82 increment of about 100 million dollars would be sufficient to accomplish this goal. We will ask DOE/DOD to address subsequent long-term testing needs following your review of the detailed FY 1981 test program, GUARDIAN, which will be forwarded to you shortly. (S)

*RECOMMENDATION:*

We believe that the revised ATP would restore some needed research to the test program, would enhance our readiness for CTB, and would be responsive to Congressional concerns about the current asymmetry in US and Soviet test rates. Consequently, we recommend that you authorize Zbig to sign the directive at Tab A which would (1) approve the ATP in principle; (2) set the test rate at about 20 per year; (3) stress the priority of initiatives related to enhancing CTB readiness, with adjustments to systems priorities to reflect recent DOD decisions; and (4) direct that the FY 81 Supplemental and FY 82 incremental funding needs for the ATP be determined in the context of the FY 82 DOE budget review. (S)

Approve \_\_\_\_\_<sup>8</sup>      Disapprove \_\_\_\_\_      Other \_\_\_\_\_

Jim McIntyre concurs.

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<sup>8</sup> Carter checked the "Approve" option and wrote "J" at the bottom of the page. Brzezinski signed the directive at Tab A, a November 12 memorandum to Brown and Duncan.

**257. Editorial Note**

The final negotiating session among the United States, the United Kingdom, and the Soviet Union on a comprehensive test ban during the administration of President Jimmy Carter lasted from October 6 to November 14, 1980. Department of State negotiators noted the "progress" that had been made over the previous 42 months, but acknowledged that issues such as the duration of a CTB treaty, the issue of National Seismic Stations, and on-site inspections still needed to be resolved. (Telegram 14496 from the Mission in Geneva, November 13; National Archives, RG 59, Central Foreign Policy File, D800544-0447)

The Department of Defense's Representative to the negotiations, Dr. Warren Heckrotte, however, argued that the discussions had resulted in "very little substantive negotiations," and found "very little reason why" the talks should continue as presently constituted. The Soviets, he contended, had taken an increasingly "harsh" tone, not only in the Geneva talks, which he believed reflected the fact that "a more conservative element" of military personnel had begun to outnumber diplomats in the Soviet Delegation, but also in the Soviet press and other official organs. Carter's loss in the 1980 presidential election, the U.S. Senate's failure to ratify the Strategic Arms Limitations Talks II Treaty, and Moscow's inherent mistrust of an on-site inspection regime, he warned, had contributed to the current atmosphere. (Telegram 319 from Heckrotte to Brown, McGiffert, and Slocombe, November 12; Library of Congress, Manuscript Division, Harold Brown Papers, Box 82, CTB: Negotiation Issues 1979)

# Conventional Arms Transfers/Talks

## 258. Editorial Note

In his memoirs, Zbigniew Brzezinski, President Jimmy Carter's Assistant for National Security Affairs, recalled that upon taking office, he and his staff quickly set a number of foreign policy goals that the Carter administration should pursue. One was the restriction of "the level of global armaments, unilaterally and through international agreements. We were determined to reduce by 15 percent, with the exclusion of transfers to NATO, Australia, New Zealand, and Japan, the dollar value of transfers from the 1976 totals." (*Power and Principle*, p. 55) In his first National Security Council meeting, President Carter "directed that all requests for arms sales come to him" for approval. (Summary of Conclusions, January 22, 1977; Carter Library, National Security Affairs, Staff Material, Office, Meetings File, Box 1, NSC Meeting #1: Held 1/22/77, 1/77)

In a January 23, 1977, interview, Carter said that while he did not want to institute a "moratorium" on arms sales "because that is an abrupt and total termination of all ownership," he noted that his advisers, "in I think unanimity," supported "the necessity for reducing arms sales or having very tight restraints on future commitments to minimize the efforts by arms manufacturers to initiate sales early in the process. The Secretary of State will be much more hesitant in the future to recommend to the Defense Department the culmination of arms sales agreements. I have asked that all approvals of arms sales, for a change, be submitted to me directly before the recommendations go to Congress. We also have asked Vice President [Walter] Mondale in his early trip among our own allies and friends, some of whom are heavy arms exporters, to join with us on a multilateral basis. We will also be talking to some of the primary arms purchasers, particularly the Middle East when Secretary Vance goes there very shortly, to hold down their purchases of arms from us and other countries. This will be a continuing effort on my part." (*Documents on Disarmament*, 1977, p. 20)

**259. Presidential Review Memorandum/NSC-12<sup>1</sup>**

Washington, January 26, 1977

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Secretary of the Treasury  
The Director, Office of Management and Budget  
The Chairman, Council of Economic Advisers  
The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence

SUBJECT

Arms Transfer Policy Review

The President has directed that the Policy Review Committee, under the chairmanship of the Department of State, review our policy with regard to the international transfer of conventional arms.

The review should be completed by March 15, 1977, and should:

1. Examine the role of arms transfers in the conduct of U.S. foreign policy, identifying the benefits and disadvantages of arms transfers as a policy tool, and their dominant or subordinate position relative to U.S. political, economic, and military interests. This examination should include:

(a) the feasibility and desirability of various unilateral and multi-lateral initiatives to restrict arms transfers on a national, regional, and global basis;

(b) consideration of such factors as: the type of weapon, equipment, or service being transferred; the role and activities abroad of commercial arms suppliers; third country transfers; transfer of high technology and sensitive items; co-production; employment of U.S. citizens on defense contracts abroad; and international standards of human rights; and

(c) the feasibility and desirability of restricting all U.S. arms transfers to government-to-government transactions.

2. Identify and analyze basic policy options, on the basis of the foregoing examination. Consider the impact of each option on the U.S.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 3, Arms Sales: Presidential Review Memorandum/NSC-12: 5/75-6/77. Secret.

economy, on defense readiness and procurement, and on U.S. relationships with both recipient and supplier states.

3. Review the current organizational structure for departmental and interagency consideration of arms transfer requests, and develop options for mechanisms and procedures to provide systematic policy guidance in the future.

4. Assess the current relationship between the executive and legislative branches in this area, and propose guidelines and changes necessary for an optimum relationship.

**Zbigniew Brzezinski**

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**260. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, February 8, 1977

SUBJECT

Conventional Arms Transfers

You have directed a PRM on arms transfers due March 15.<sup>2</sup> Even as this is being done and without prejudice to the decisions you will make at that time, the State Department will have to deal with immediate problems. These include presentation on the FY–78 budget, the backlog of pending decisions, and questions from Congress and press. This memorandum describes:

—Steps we have initiated in the State Department to deal with arms transfer issues that are currently on our agenda, and

—Planning in progress to bring greater coherence and increased control to the world arms trade in the longer run.

**BACKGROUND**

The term arms transfers is a rubric for three forms of military exports: (1) those paid for by the US as grant aid under the Military Assistance Program (MAP); (2) those paid for by the recipient under the Foreign Military Sales Program (FMS) using US Government credits or

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 2–5/77. Confidential.

<sup>2</sup> See Document 259.

loan guarantees and/or the US military logistics system; and (3) those conducted as straight commercial sales. Each type of arms transfer requires a different form of government involvement.

(1) *MAP*

The Military Assistance Program is included each year in the annual budget as a foreign assistance item. The questions *to whom* and *how much* are decided by a State-Defense-ACDA-OMB review process, which is coordinated through the Security Assistance Program Review Committee, chaired by the Under Secretary of State for Security Assistance. Congress makes the final determination when the budget is submitted.

(2) *FMS*

Foreign Military Sales are the largest portion of total US arms exports. FMS requiring US Government direct loans or credit guarantees are included in the annual budget by country and dollar amount. FMS cash sales, however, do not appear in the budget and Congress has no formal opportunity to make its views known until it is notified of individual proposed sales. The attachment is a description of how the decision-making process operates in a typical FMS case.

The International Security Assistance and Arms Export Control Act of 1976 requires that the Executive Branch must give the Congress thirty days prior notification of any FMS transaction in excess of \$25 million and any FMS sale of major defense equipment in excess of \$7 million. Within this thirty days Congress may vote to veto the transaction. The thirty calendar day formula was reached on the basis of assurances from the Executive Branch that the concerned committees would receive twenty days' informal prenotification of the formal notification. In effect, therefore, Congress has fifty calendar days in which to consider a pending Letter of Offer for a proposed significant FMS transaction.

(3) *Commercial Sales*

All commercial sales of military services and equipment must be licensed by the US Government. This function is performed by the Munitions Control Office of the State Department. Legislation requires that licenses for commercial military deliveries be notified to Congress according to the formula used for FMS cases.

Additional facts that help clarify discussions about the complicated subject of arms transfers are:

—Most dollar figures cited for government-to-government (FMS) sales represent *orders* taken in a given year, not *deliveries*. Some years, total orders have topped \$10 billion, but annual deliveries have never reached \$5 billion.



—On the average, about 40% of US Government orders or deliveries are weapons systems. The balance is vehicles, transport aircraft, construction, training and miscellaneous services.

*STEPS NOW BEING TAKEN*

1. *The Pipeline.* Over \$32 billion in defense goods and services, ordered by foreign governments (mainly in the Middle East), are under contract and scheduled for delivery over the next eight years. We are putting together a list and timetable of what is to be delivered to whom. We will assess the immediate impact and use this information in evaluating future requests for sales.

2. *Pending Sales.* We are now reviewing 17 proposed Foreign Military Sales (FMS) cases worth \$2.3 billion which we inherited from the last Administration. We are screening these very carefully and will send to you separately a list of those items which we believe should be considered by you prior to being sent forward for Congressional review. At that time, we will also propose procedures for obtaining your views on future cases. Among the most pressing issues are a number of large proposed sales to the Persian Gulf area. Those requiring notification to the Congress cannot be processed until we have satisfied the SFRC's resolution requiring an Executive Branch statement of Persian Gulf policy.<sup>3</sup>

3. *Fiscal 1978 Security Assistance Programs.* Together with OMB and DOD we have reviewed the past Administration's proposed request to Congress for FY 1978 funds for grant aid, FMS financing and military training. These are for the most part reasonable and defensible, although we would have formulated it somewhat differently. Given the short time available, we have been able to make only limited changes, and these have centered principally on our *human rights* concerns. To show that we intend to follow a different policy on this issue, we have proposed to OMB that the grant aid program in Ethiopia be eliminated, that the FMS financing program in Uruguay be eliminated and that the FMS financial program in Argentina be cut.

4. *Congress.* Members of my staff and I have begun an active campaign to build confidence with members and key staff on the Hill. We will institute a new procedure with respect to Congressional notifications of proposed arms transfers—namely, including a policy justification with each new FMS case. Current practice on these notifications is to report formally only the name of the buyer, the content and price of

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<sup>3</sup> On September 24, 1976, the Senate Foreign Relations Committee passed a resolution "opposing further arms sales to Persian Gulf states pending completion of an overall National Security Council study." ("Arms Sales to Saudis Set Back," *Washington Post*, September 25, 1976, p. A1)

the proposed sale and the military department handling the contract. Policy explanations are not among the items required by the law and usually are given only selectively and informally.

5. *Controlling Promotion of Arms Sales.* We are planning to publish shortly in the *Federal Register* a notice of a proposed regulation which would require State Department approval before an arms manufacturer may undertake efforts to promote the sale of major military hardware overseas. Such a regulation should inhibit efforts by private firms to create appetites for arms in foreign governments.

#### PLANNING IN PROGRESS

In the context of the PRM which you have ordered we are examining ways of bringing tighter control over US arms exports and encouraging multilateral restraints on the arms trade. Here are some of the ideas under consideration in both areas:

##### A. Control Over US Arms Exports

(1) We need to increase the flow of early information about proposed sales to all interested agencies and to regularize the criteria for evaluating all major FMS cases. We want to assure that arms control and human rights considerations receive proper early attention on each proposed transaction.

(2) We need to develop better control at the critical points leading to formal arms transfer decisions. Too often decisions are "created" by the activities of arms salesmen, the excesses of some zealous military advisory personnel, and the appetites of foreign leaders, combined with inertia on the part of the Executive in bringing policy considerations to bear at an early stage.

(3) Sales of high technology, sensitive weapons, co-production projects and equipment requiring large numbers of supporting American technicians should receive a more rigorous screening than has been the case in the past.

(4) It is essential to develop good working relations with Congress on these issues, over the longer term, to avoid arbitrary efforts at control, such as moratoria and dollar ceilings. Such approaches tend to appear punitive and could severely harm other US foreign policy interests in some countries or regions.<sup>4</sup>

(5) We need to take action promptly to establish an interagency mechanism to coordinate security assistance and arms export control activities and to bring the expertise of all concerned agencies to bear on the basic policy decisions.

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<sup>4</sup> In the left-hand margin next to this paragraph, Carter wrote "We might meet w/ key Congress leaders before final decision."

*B. Efforts to Encourage Multilateral Restraint*

(1) *Unilateral Restraints*. We believe our objective must be to reduce the international traffic in arms, not simply to reduce the US role in that traffic. As we gain credibility through improved policy and procedural control over our own arms exports, we can begin to elicit the cooperation of other nations. This could be a long-term process, because arms exports have great commercial and political importance to our friends.

(2) *Informal Multilateral Restraint*. When we disapprove a proposed sale because we wish to avoid introducing a new capability or level of technology into a particular region, we can let other suppliers know the reason for our decision and encourage comparable restraint on their part (e.g., intermediate range missiles in the Middle East). In addition, we can use available international fora (CCD, NATO, UN, OAS, etc.) to urge restraint by other suppliers and by recipients. We can also try to identify particular regions where opportunities exist for mutual restraint among arms importing countries and seek to encourage such restraint through diplomatic efforts with those countries. NATO standardization and offsetting procurements by the US from our European allies may be useful incentives in discouraging sales efforts in other regions.

(3) *A Conference of Arms Suppliers*. With the benefit of experience gained from the Nuclear Suppliers' Conference,<sup>5</sup> we may be able to initiate a similar dialogue among suppliers of conventional arms. Although arms suppliers are a more diverse group with more widely divergent interests, we should make an effort to see what can be achieved by a suppliers' conference. As first steps, we are identifying the sales practices of various suppliers and considering what issues could usefully be discussed by those participants whose attendance would be required. We shall also have to take into account the predictable resistance from recipients and consider means of involving them in the process.

(4) *A Dialogue with the USSR*. Requests by foreign countries for sales from the US are often a response to military supply relations between the requesting country's neighbor and the Soviet Union. The Soviets have experienced difficulties in their arms sales activities which are similar to some of our own problems and it would seem that bilateral discussions could produce worthwhile results on a number of issues (e.g., sales to African countries which might fuel an arms race or

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<sup>5</sup> The Nuclear Supplier Group, founded in 1974 after India's successful nuclear test, included the United States, the Soviet Union, the United Kingdom, Canada, the Federal Republic of Germany, France, and Japan. It met several times from 1974–1977 to set guidelines for the export of nuclear material to states which did not possess nuclear weapons.

produce instability not desired by either side). Yet, we have not previously engaged the Soviets in a dialogue on this subject. We are beginning to plan how bilateral talks could be proposed, the subjects we would like to discuss, and how a US/USSR dialogue could relate to an arms suppliers' conference. Moving towards discussions with the Soviets will, of course, require careful preparation not only in Washington, but in the capitals of our friends.<sup>6</sup>

## **Attachment**

### **Paper Prepared in the Department of State**

Washington, undated

#### **CASE STUDY OF A FOREIGN MILITARY SALE<sup>7</sup>**

This paper describes the procedures involved in a hypothetical foreign military sales (FMS) case from its inception to its being reported to Congress. There is no typical FMS case; actual cases arise in a variety of ways. For purposes of illustration, therefore, we will follow a hypothetical sale to Iran of the Maverick missile under FMS cash procedures.

Iran possesses a Maverick capable aircraft and is interested in Maverick. This interest is derived from its perceptions of the threat. Interest, however, is stimulated by a representative of a commercial firm and a description of the system in one of the aerospace publications. Initial discussions are carried out with the MAAG and a DOD survey group is sent with State concurrence to review the threat and to determine the feasibility of introducing the new system in the country. During this period the defense manufacturer will seek to maintain interest in the system.

The request for Maverick planning data is received in Washington simultaneously by Defense and State. The US Air Force takes the survey team results, reviews the military justification, and determines whether the sale will impact on US military requirements. Air Force will then consult with the US supplier to determine when the items can

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<sup>6</sup> In the left-hand margin next to this paragraph, Carter wrote "*Explore in Cy's visit to Moscow. Earlier w/Dobrynin.*" In an earlier interview, Vance said that "I do believe that the area of disarmament or arms reduction in the conventional arms area is of critical importance. It is the area where the largest amount of money is spent, and is a very serious and substantial problem. I would expect the discussion of reduction of conventional arms to be on the agenda of items that we might discuss when I go to Moscow at the end of March." (*Documents on Disarmament, 1977*, pp. 27-29)

<sup>7</sup> No classification marking. At the bottom of the first page, Carter wrote "Be sure that I'm consulted early in this process."

be scheduled for production and the cost. It will also review related costs of training and support of the system.

In State, the Maverick request is reviewed by the Politico-Military Affairs and the Near Eastern and South Asian Affairs Bureaus (PM and NEA) to determine whether sale is consistent with our foreign policy, particularly in the country and region. PM will also obtain the views of the Arms Control and Disarmament Agency (ACDA) regarding the arms control implications of the sale. If existing guidance is inadequate, policy level approval is sought. If there are no policy objections, Iran would receive the information requested.

Assuming Iran is satisfied with the information received, the next step is to request a Letter of Offer, which is a contract outlining the precise terms and conditions of sale including prices and delivery times. It normally takes Defense 60–90 days to prepare an LOA. As soon as reasonable estimates are available, Defense requests State approval to issue an advance notification to Congress. This request is reviewed in State by PM, NEA, ACDA and the Congressional Relations Bureau as well as by the NSC staff. If approved, Defense sends a classified letter to the staff of the House International Relations Committee and Senate Foreign Relations Committee, which has 20 days to review the case. The purpose of this step is to give Congress sufficient time to review major transactions.

If there are no objections to the proposed Maverick sale, State will authorize Defense to proceed with the formal 30 day notification pursuant to Section 36(b) of the Arms Export Control Act and to give an unsigned copy of the LOA to Iran. The LOA cannot be issued by the USG if Congress within 30 days adopts a concurrent resolution stating that it objects to the proposed sale, unless the President states in his certification that an emergency exists which requires such a sale in the national security interests of the US. Congress has never adopted such a resolution. An objection to the Maverick sale would most likely be the subject of negotiations between the Executive and Legislative branches and a compromise reached (as in the case of the actual sale of Mavericks to Saudi Arabia).

After the 30 day review period, the LOA is signed by representatives of Iran and the USG. The case is implemented by the Air Force.

The foregoing process is described in schematic form in the attached chart.<sup>8</sup>

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<sup>8</sup> Attached but not printed.

**261. Memorandum From the Deputy Secretary of State Designate (Christopher) to President Carter<sup>1</sup>**

Washington, February 19, 1977

**SUBJECT**

Proposed Regulation to Control Arms Sales Promotion by U.S. Firms

This memorandum describes a regulation under consideration within the Department of State to require U.S. firms promoting international arms sales to obtain our approval before making significant sales proposals. Your approval is requested for the publication of a notice inviting public comment on the proposed regulation.

*Present Controls*

U.S. arms transfers take place through two main channels—government-to-government sales and direct commercial sales by United States firms. Government-to-government foreign military sales (FMS) are made in response to requests received from a foreign government. The FMS program is administered by the Department of Defense under the direction and supervision of the Department of State. A license from the Department of State is required for the export of military equipment or technology which is sold commercially.

U.S. firms engaged in the manufacture and sale of military equipment are involved in widespread marketing efforts to sell their products abroad. These marketing efforts are subject to U.S. Government control only to the extent they include the export of demonstration models or of military technology for which an export license is required. Companies frequently consult with the Departments of State and Defense to ensure against conflict with United States policy and to avoid the expense of promoting sales which will ultimately be disapproved. However, we have no assured involvement in an arms sale until the foreign government makes a request under the government-to-government FMS program or we receive a license application for the export of items for which a commercial sales contract has been signed. At that point, where the foreign purchaser has already been persuaded that it needs the items in question, it is often more difficult to achieve restraint. Refusal to sell under FMS or denial of an export license to

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 3, Arms Sales: Procedures: 6/76-3/77. No classification marking. Brzezinski informed Christopher in a February 24 memorandum that he had forwarded the memorandum and the proposed regulation to Carter and said "I agree that publishing the proposed regulation at this time would be beneficial." (Ibid.)

carry out a commercial sale can give offense to a friendly foreign government and may result in a sale of comparable items by some alternative supplier.

Under the present regulations, a U.S. firm has the option of seeking our advice before it begins an effort to market its product in a given country or of proceeding without consultation in the hope that the expressed desires of the purchasing country will help to secure the required U.S. approval.

#### *Proposed Controls*

The new regulation we are considering would require the Department of State's approval before a proposal, recommendation or presentation is made which is designed to induce a decision to purchase significant combat equipment valued at \$7 million or more. The regulation would describe the kinds of activity that would require such approval. (The items which constitute significant combat equipment are identified in the present regulations.) A similar prior approval requirement would be established for proposed agreements to produce, assemble or maintain significant combat equipment in a foreign country. This would formalize and make mandatory the informal consultation that now precedes many, but by no means all, major arms sales promotion initiatives.

#### *Procedures*

A preliminary draft of the proposed regulation was circulated to the directly affected companies and to industry associations in December. The text has been substantially revised to take into account the initial industry reactions. The next step in the rulemaking procedure would be to publish the revised draft in the Federal Register with an invitation for public comment. The published notice would also announce a public meeting, following a thirty-day period for written comments, at which members of the public could express their views orally to the responsible officials of the Departments of State and Defense.

In light of the comments received from the public, we could adopt the regulation, with or without change; we could begin again with a new text if it appeared substantial revision was required; or we could abandon the proposal.

A notice of proposed rulemaking has been prepared for publication in the Federal Register. A copy is attached.<sup>2</sup> I favor proceeding with this proposal because it could provide a valuable tool for the enforcement of policies developed to restrain the further proliferation of

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<sup>2</sup> Attached but not printed.

conventional arms. The Department of Defense and the Arms Control and Disarmament Agency also support the adoption of a regulation along these lines. The staffs of the concerned Congressional committees have told us they believe the regulation would be well received in Congress.

*Other Pending Actions*

Two other regulatory amendments are pending. One, designed to change the definition of significant combat equipment with respect to military electronics, has been published as a proposed rule. Written comments have been received and a public meeting was held on February 4. The other, which would institute a system of civil penalties and administrative remedies for export control violations, is ready for informal distribution to industry in advance of publication. Both of these amendments implement legislation enacted last year and are relatively uncontroversial.

*Recommendation*

That you authorize publication of the attached notice in the Federal Register.

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**262. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, February 23, 1977

SUBJECT

Conventional Arms Transfers

At Tab A is a memorandum from Secretary Vance<sup>2</sup> on the subject of conventional arms transfers.

I must point out that many of the issues addressed in the Secretary's memorandum, particularly those mentioned on pages 5 through 7, are currently under consideration in the context of the PRM/NSC-12

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 3, Arms Sales: Procedures: 6/76-3/77. Confidential. Sent for action. In the upper right-hand corner of the first page of the memorandum, Carter wrote "Let me have orig draft of regulation before it was modified by munitions manufacturers. JC."

<sup>2</sup> See Document 260.



review of conventional arms transfers. The comments in the attached memorandum, therefore, represent only the views of the Dept. of State; the positions of other agencies will be contained in the PRM response due March 15.

On pages 3 and 4 of his memorandum, Secretary Vance mentions 17 pending Foreign Military Sales cases currently under review. I strongly believe that we should not transmit any cases to Congress prior to evaluation of and decision on the PRM-12 response. A one-month delay would not seriously affect either contract prices or delivery dates, although there may be short-term dissatisfaction and a degree of uncertainty in some recipient states. This rather minimal negative aspect is greatly outweighed by the fact that delaying the transmittals would permit evaluation of the cases, under new policy guidelines, by an interagency group specifically designed to conduct such an evaluation. I will discuss this issue with Secretary Vance and will advise you of the result of our conversation.

On page 4, Secretary Vance also mentions a proposed regulation which is designed to moderate the overseas sales efforts of U.S. arms manufacturers by providing for State Department approval earlier in the sales process. The proposed regulation and an explanatory memorandum are at Tab B.<sup>3</sup> If you approve, the proposed regulation will be published in the *Federal Register*, followed by a 30-day period for public comment and a public meeting. Initiating this action now will permit integration of its findings into the PRM review, and I therefore recommend that you approve publication of the proposed regulation.

#### RECOMMENDATION

That you approve publication in the *Federal Register* of the proposed regulation at Tab B.<sup>4</sup>

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<sup>3</sup> The explanatory memorandum is Document 261; the proposed regulation is attached but not printed.

<sup>4</sup> Carter did not indicate his preference with respect to this recommendation. The proposed new regulation was not codified pending further review of the issue of arms transfers.

**263. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, March 6, 1977

**SUBJECT**

Congressional Notification of Pending Conventional Arms Transfer Cases

In my memorandum of February 8,<sup>2</sup> I reported that we had several billion dollars worth of pending Foreign Military Sales cases which we inherited from the previous Administration, as well as requests pending for Munitions Control export licenses to fulfill signed commercial contracts. Both require notification to Congress pursuant to Section 36 of the Arms Export Control Act of 1976. Zbig has suggested to you<sup>3</sup> that we not send any of these cases to Congress prior to your decisions on the PRM-12 response on arms transfer policy. I do not agree that we should delay on all of these cases, and am recommending an alternative method of proceeding.

*Discussion*

We transfer defense articles and services through several channels. The largest volume is through government-to-government agreements under Foreign Military Sales (FMS) procedures. Straight commercial transactions must be licensed by the State Department's Office of Munitions Control at the time the goods or services are ready for export. The process through which major FMS and commercial cases are reported to Congress is described at Attachment 2.<sup>4</sup>

We are now holding for Congressional notification 49 FMS and commercial cases totalling approximately \$5 billion in defense goods and services. Ideally, the decision to send these cases to Congress should await the completion of our arms transfer policy review under PRM/NSC-12, as suggested by Zbig Brzezinski in his memorandum to you of February 23 but deferral of *all* cases raises some serious problems.

—Almost all of these cases are non-controversial and raise no serious policy problems for us.

—Our contacts with Congressmen strongly indicate that Congress is ready to accept most of the cases without debate. The main problem

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 2-5/77. Confidential.

<sup>2</sup> See Document 260.

<sup>3</sup> See Document 262.

<sup>4</sup> Attached but not printed.

for many legislators is the Persian Gulf. Here, we will hold some cases for your review and for completion of the policy review.

—It will be almost six weeks before you make decisions on a new overall policy. By that time the backlog of cases could total \$7 billion. If we wait to send these cases to Congress until your overall policy is set, the very magnitude of the submissions is likely to overshadow the new approach you will be enunciating.

—Such a moratorium would, in general, create expectations about our future arms policy that cannot be met. We are not intending to forsake arms transfers as a part of our foreign policy. Whatever controls you do institute will not produce overnight results and will require cooperative efforts if they are to be effectively implemented. A moratorium of even a month will cause panic among those it affects and will tend to galvanize opposition before policy decisions have been made.

—Bilateral political problems will result. Seven of these cases involve NATO countries. It is inconsistent for us to press NATO countries to do more on defense, while at the same time denying them items they have ordered. Both the Dutch and the British have made this point to us. With respect to other friendly countries, 33 of the 49 cases involve logistics support (without which equipment will be inoperable), annual ammunition procurement, and ancillary equipment for or small additions to stocks of weapons we have already agreed to provide.

—Delay will mean price increases and production problems. The majority of current cases (23 of the 36 FMS cases) are not new and many have been pending since last November. Specific practical problems have already developed, or will soon develop, including:

- Delivery delays and price increases (for Israel and Greece)
- Logistic problems (for Iran, Taiwan, and Korea)
- Disruption of signed commercial contracts (10 of the 13 pending export license cases)
- Possible breaks in production lines.

#### *Pending Cases*

The growing list of pending cases (see Attachment 1)<sup>5</sup> fall into several categories described below. I am recommending that you submit to Congress approximately \$3.7 billion of the \$5.0 billion total.

	Cases	Value (Mil)
Category I: Construction and follow-on support for systems already in country	12	\$1,185
Category II: Follow-on Ammunition supplies	4	140

<sup>5</sup> Attached but not printed.

Category III: Systems to Supplement existing in country inventories or to complement weapons received or on order	17	771
Category IV: Major new Equipment transfer and force expansion		
A. Approval Recommended	10	1,568
B. Deferral Recommended	<u>6</u>	<u>1,368</u>
TOTALS	49	\$5,032

Of the cases in Categories I–III, there is only one which raises policy questions: ammunition for Ethiopia. The Ethiopian case relates to our policy in this part of Africa. It should be deferred until we have completed our African policy review, which is now underway. The consequence of deferral is likely to be that the Ethiopians will interpret deferral as denial. The ammunition was requested sometime ago and additional delay in a decision will further strain our bilateral relations. Ethiopia may well turn to other suppliers. Nevertheless, deferral is warranted.<sup>6</sup>

There are several cases in Category IV that I would recommend for deferral:

*Jordan—9 AH-1 Cobra Helicopters* (\$19 million)

The sale of helicopter gunships to Jordan was approved in principle some time ago, but was not completed because of Jordan's financial problems. Notification of this case to Congress is likely to attract Israel's attention. Because further delay on this case does not pose foreseeable consequences, it should be deferred until the policy review has been completed.<sup>7</sup>

*Iran—7 E-3 Aircraft (AWACs)* (\$1.2 billion)

Iran has received two proposals for an early warning and control system, of which the AWACs (airborne warning and control system) is one. Iran has commissioned a comparative study to determine which of these systems will be chosen. Under these circumstances, further delay will not cause inconvenience. The size and sophistication of this system, on the other hand, would undoubtedly draw Congressional criticism, particularly in view of the general concern about US sales to the Persian Gulf.<sup>8</sup>

<sup>6</sup> In the right-hand margin next to this paragraph, Carter wrote "defer OK."

<sup>7</sup> In the right-hand margin next to this paragraph, Carter wrote "defer OK."

<sup>8</sup> In the right-hand margin next to this paragraph, Carter wrote "defer OK."

*Pakistan—155mm Self-Propelled Howitzers* (\$35 million)

Pakistan is very anxious to receive this equipment, but we have been withholding approval pending satisfactory agreement on the nuclear reprocessing issue.<sup>9</sup> We should therefore continue to defer action on this case.<sup>10</sup>

*Peru—140 Armored Personnel Carriers* (\$16 million)

The buildup in Peruvian military forces has created great uneasiness in the region. For the US to contribute to this buildup at this time would only add to this uneasiness. This is clearly a case that should be deferred for reassessment in light of new policy.<sup>11</sup>

*Sudan—6 C-130 Transport Aircraft* (\$74 million)

The previous administration committed the USG to supply these transport aircraft to Sudan, as a significant step to improve relations with this strategically-placed country. We have already supplied C-130's to other countries in the area (Israel, Egypt, and Saudi Arabia). This would be the first US military sale to the Sudan in a long time. Deferral of this case would interrupt the trend of improvement in our relations with the Sudanese and strengthen the hand of those in the Sudanese Government who question the value of reliance on the US, which President Nimeiri has espoused. Deferral is nevertheless warranted because of the broader implications of establishing a new military supply relationship without first establishing a policy for the area. Sudan has already requested the purchase of F-5E aircraft and other major items.<sup>12</sup>

*Iran—73 ALQ-119 ECM Pods* (\$24 million)

The proposed sale of this electronic countermeasures system (ECM) raises a technology question and should await the outcome of the arms transfer review. Although it is not our most advanced ECM system, it will add to the electronic countermeasures capability of the Iranian Air Force. We have been told by Westinghouse that the consequence of delaying this case would be plant layoffs, beginning in January 1977. Nevertheless deferral is warranted.<sup>13</sup>

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<sup>9</sup> For more on the issue of nuclear processing and Pakistan, see *Foreign Relations*, 1977–1980, vol. XIX, South Asia.

<sup>10</sup> In the right-hand margin next to this paragraph, Carter wrote “defer OK.”

<sup>11</sup> In the right-hand margin next to this paragraph, Carter wrote “defer OK.”

<sup>12</sup> In the right-hand margin next to this paragraph, Carter wrote “Might be OK to deliver.”

<sup>13</sup> In the right-hand margin next to this paragraph, Carter wrote “defer OK.”

The rest of the cases in Category IV either involve NATO countries or raise significant problems if they are deferred. In addition to the British and Dutch cases, we have:

*Saudi Arabia—Improved HAWK Program* (\$1.1 billion)

This case is a commercial contract for the expansion of the Saudi I-HAWK air defense system and represents the largest segment of a package. Most of this package consists of commercial contracts, licensed by State Department's Munitions Control, and requiring Congressional notification because of dollar value. There is a small portion of the package that is an FMS case. Because of its size (\$8 million), Congressional notification is not required. However, we intend to report this portion to Congress, as supplementary information to the Munitions Control notification. The contract for this deal was signed last June and the equipment is now ready to ship.<sup>14</sup> It will attract Congressional criticism. The case has already been discussed informally with some Congressmen and staff. Although they understand that it was initiated during the last administration and that our ability to make adjustments is limited, they look to the administration to review the matter. Delay will subject the contractor to late delivery penalties.

*Iran—TOW Missiles Launcher Kits* (\$40 million)

The previous Administration approved a proposal to permit Iran to assemble TOW anti-tank missile launchers. A \$40 million contract was signed by the US company in January 1976 and a license was issued to ship \$9 million in equipment the first year. The current export license request involves the second shipment of the contract and is valued at approximately \$12 million. The purpose of this system is to improve Iran's defense capability against the large force of Soviet-supplied tanks concentrated in Iraq. Deferral would involved disruption of an on-going assembly line.<sup>15</sup>

*Singapore—Armored Personnel Carriers* (\$40 million)

The previous Administration approved the sale to Singapore of 246 armored personnel carriers (APC) and related vehicles. The contract was signed in March 1976 and deliveries are scheduled to begin in April. These vehicles will be used to modernize Singapore's Army by replacing the existing fleet of Cadillac Gage Commando vehicles. We previously provided Singapore with 220

<sup>14</sup> In the right-hand margin next to this paragraph, Carter wrote “?”

<sup>15</sup> In the last sentence of this paragraph, Carter lined through the “d” in “involved.” His written comment in the right-hand margin is illegible.

APC's and related vehicles. Deferral would be very disruptive because shipment is about to begin.

*Israel—126 M-60 tanks* (\$85 million)  
*94 155 mm Self-Propelled Howitzers* (\$52 million)

These are two of the Israeli requests approved by President Ford in October 1976. The tanks will be used to create a new mechanized brigade. The howitzers will be used to expand divisional artillery support.<sup>16</sup> Approval of these cases is important as an indication of US support for Israeli security, particularly after the negative decision on the concussion bombs (CBU-72).<sup>17</sup> Your decision to approve these items was announced by the White House Press Spokesman on February 18.

*Jordan—16 8" Self-Propelled Howitzers* (\$12 million)

These are part of a multi-year force modernization program for the mechanization of brigade artillery. The US has already furnished Jordan 32 of these howitzers and 103 self-propelled 155 mm howitzers.

*Iran—Airborne Segment of IBEX Intelligence  
Collection System* (\$30 million)

The IBEX system is a multi-million dollar program to provide Iran with a sophisticated intelligence collection capability. The original Rockwell contract was signed in March 1975. The current license involves only the airborne segment of the program.

*Greece—TOW Anti-Tank Missiles* (\$15 million)  
*CH-47 Cargo Helicopters* (\$60 million)

These cases represent the sale of items not now in the Greek inventory. The purpose of providing the TOWs and helicopters is to improve Greece's capabilities to meet its NATO obligations.<sup>18</sup>

### *Congressional Consultation*

When we receive your decision, I intend that we provide the responsible Congressional committees with brief statements of justification.

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<sup>16</sup> In the right-hand margin next to the second and third sentences in this paragraph, Carter wrote "OK."

<sup>17</sup> On February 17, White House Press Secretary Jody Powell announced that Carter had reversed Ford's October 8, 1976 decision approving the sale of concussion bombs to Israel and banned their sale to other nations. Carter's "decision to cancel the sale was 'related to a general desire to limit and reduce the sales of sophisticated and highly destructive weapons worldwide,' Powell said." ("Concussion Bomb Sale Off; Panel on Appeals Judges Set," *Washington Post*, February 18, 1977, p. A2)

<sup>18</sup> Carter's written comment in the right-hand margin next to this paragraph is illegible.

tion for all cases which are submitted. We are already talking with interested members and staffers about our arms transfer dilemmas. They appreciate that the backlog results from commitments inherited from the previous administration.

We expect the greatest number of questions about sales to the Persian Gulf. Senator Humphrey, however, believes that the problem will be manageable in view of the intent of the new administration to change policy and provided we do not propose at this time the sale of lethal, offensive weapons. None of the pending cases for Persian Gulf countries fall into this latter category. Humphrey added, however, that we should proceed on sales of defensive systems to this region only after extensive congressional consultations.

*Recommendations:*

That you authorize me to initiate Congressional notifications on the commercial export licenses and FMS cases now pending, except those I have recommended for deferral.<sup>19</sup>

*Future Procedures:*

In your January 23 interview with AP and UPI, you said that you have asked that all approvals of arms sales be submitted to you directly before recommendations go to Congress. The attachment to this memorandum illustrates the range of goods and services on order, and demonstrates how relatively few are major controversial orders for sophisticated lethal weapons.

As you pointed out in the same interview, I will be much more hesitant in the future to recommend new arms sales agreements. Many sizeable FMS and commercial cases, however, involve noncontroversial items (\$18 million radar for Tunisia) or sales to our NATO allies (e.g. \$119 million sale of Sidewinder air-to-air missiles to the UK). Such routine cases do not seem to require your personal attention. If you agree, I will submit recommendations to you only on those cases which I believe may be politically sensitive or controversial. We will continue to consult the National Security Council Staff on all FMS and commercial cases requiring Congressional notification and work out procedures to insure that Dr. Brzezinski is appropriately informed prior to any notification to the Congress.

*Recommendation:*

That I submit to you for your personal review only those FMS sales and commercial export licenses of major weapons systems requiring

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<sup>19</sup> Carter did not indicate his preference with respect to this recommendation.



Congressional notification which I believe are likely to be politically sensitive or controversial.<sup>20</sup>

*Alternatively*, that I submit to you my recommendations on all FMS and commercial arms sales cases requiring Congressional notification, pending completion of PRM–12.<sup>21</sup>

*Attachments:*

1. List of Pending Cases<sup>22</sup>
2. Congressional Notification Process

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<sup>20</sup> Carter did not indicate his preference with respect to this recommendation.

<sup>21</sup> Carter checked the “Approve” option and underneath wrote “J.C.”

<sup>22</sup> Attached but not printed.

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## 264. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>

Washington, March 17, 1977

### SUBJECT

Legislation on Conventional Arms Transfer

This memorandum proposes an Administration initiative to seek deferral of significant changes in the legislation presently governing United States arms transfers. In essence, we would undertake, in exchange for Congressional restraint at this time, to involve Congress directly in a joint deliberative process, following your decisions on the response to PRM/NSC–12,<sup>2</sup> designed to formulate legislation that takes into account the objectives and concerns of both Branches.

### *Background*

Work is progressing on the study of conventional arms transfers which you have directed by PRM/NSC–12, and we should be ready to present options and recommendations to you in the latter part of March. This study will also provide the basis for the studies and reports to Congress mandated by last year’s Arms Export Control Act.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Congress: 3–9/77. Confidential.

<sup>2</sup> See Document 259.

There is a substantial risk that Congress will not await the formulation of the Administration's specific arms transfer policies, or the studies and reports it has requested, but will instead seek to attach a variety of amendments to the FY 1978 security assistance authorization bill. A number of amendments to the legislation presently governing arms transfers have already been introduced. These amendments would impose new restrictions on your authority and would further complicate the Congressional review procedures for Executive Branch decisions.

#### *Present Situation*

We have begun a broad-ranging consultation to inform members of Congress of the restraint-oriented objectives you have already stated, to explain to them our current efforts to achieve better control and greater restraint with respect to arms transfers, and to elicit their ideas. In the course of these consultations, we are urging members to refrain from pressing for substantial changes in existing law until the Administration has had an opportunity to develop and begin to implement its policies. Most members are sympathetic but cannot assure us that Congress will not try to preempt your decisions.

The FY 1978 security assistance authorization bill must be considered within a very brief time span. The Administration's request will have to be submitted early in March and the bill must be reported out of committee by May 15. This schedule will not permit a considered examination of existing law and a thoughtful statutory revision that will complement your policies. Either the Congress will confine itself to authorizing necessary appropriations and enacting only needed statutory authority or it will attach to the bill a number of hastily considered piecemeal modifications of existing authorities and procedures.

#### *A Plan for Avoiding Harmful Legislation*

The content of the FY 1978 authorization bill will be determined to a considerable extent by how Congress perceives the Administration's commitment to reducing the proliferation of conventional arms, and how it perceives the Administration's willingness to involve Congress in the process.

Our ongoing consultations are a step in the right direction, but are not likely to be sufficient, in themselves, in gaining the time we need for constructive legislative revision. We may, however, be able to achieve the cooperation of Congress by offering it a significant participatory role in framing the legislation that will be needed after you have decided on the options that will be presented to you in response to PRM/NSC-12.

Specifically, I suggest that you authorize me to explore with Congressional leaders the possibility of convening a joint Executive/Legis-

lative Branch working group which would meet after enactment of the FY 1978 security assistance authorization bill. This working group would consider changes in the basic authorizing legislation desired by either Branch, and would prepare a draft bill reflecting agreements reached in their deliberations that would be formally considered in the FY 1979 authorization cycle. The draft bill, apart from substantive revisions, could reorganize the legislation into a more simple and intelligible format that would facilitate its implementation.

The Executive Branch participants in the working group would be drawn from the several agencies concerned, and would work under the supervision of the Under Secretary of State for Security Assistance. Their principal source of guidance would be your decisions resulting from the PRM-12 study. The results of their deliberations with Congressional participants (concentrating on, but not limited to, the foreign affairs committees) would be presented to you for approval.

Disagreements that could not be resolved by the working group would be referred for resolution by senior Administration officials and the Congressional leadership. Even if complete agreement could not be reached, the experience would be mutually instructive and conducive to a more harmonious working relationship between the two Branches. Better legislation would probably emerge from such a collaborative effort than from the more traditional process of recent years in which both Branches have independently proposed legislation to which they were publicly committed.

If you approve the concept described above, and if key members of Congress are receptive, you could then publicly urge Congress to defer legislative revision at this time, and propose a collaborative effort later this year within a comprehensive policy framework. Such a proposal could be made in a meeting with Congressional leaders or in your message to Congress next week transmitting the FY 1978 security assistance authorization bill.

*Recommendation*

That you authorize me to discuss with Congressional leaders the proposal described above, and to indicate that it has your support.<sup>3</sup>

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<sup>3</sup> Carter did not indicate whether he authorized Vance to discuss the proposal with Congressional leaders.

**265. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, March 17, 1977

## SUBJECT

Congressional Notification of Pending Conventional Arms Transfer Cases

Secretary Vance recommends that selected arms sales be transmitted to Congress prior to completion of the PRM/NSC-12 review on this subject (Tab A).<sup>2</sup> In addition, he recommends that he determine which cases you should review in the future.

I agree with Secretary Vance that there are sound reasons to transmit selected cases at this time. In my view, however, the only clearly uncontroversial cases are those in the Secretary's categories I and II (construction and follow-on support, and follow-on ammunition supplies), and recommended NATO, Israel and Jordan cases in categories III and IV (supplements to existing inventories, and major new equipment). Their transmittal would have the least adverse effect on the PRM review and should generate little or no opposition in Congress. The other category III and IV sales, however, are precisely those which must come under closer scrutiny if we are to restrain the sale of arms. For this reason, I recommend deferral of all the other category III and IV transmittals until the PRM review is completed in the first week in April.

Concerning which cases you should review, you have stated publicly that *all* arms sales are to come to you *directly* before submission to Congress. In addition, I believe it would be premature to decide what future cases you will or will not see before you have reviewed the results of PRM-12. If, after reviewing the PRM-12 response, you decide to delegate to the Secretary of State the authority to determine which cases will be forwarded to you, no agency could maintain that such a decision was made without consideration of its views on the subject.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 2-5/77. Secret. Sent for action. In the upper right-hand corner of the first page of the memorandum, Carter wrote "Zbig—see me. J.C." At the bottom of the first page, an unknown hand wrote "Closed 4-1-77 KM."

<sup>2</sup> See Document 263.

## RECOMMENDATION

That you approve transmittal to Congress at this time of all category I and II arms sales cases, and the recommended NATO, Israel and Jordan cases only in categories III and IV.<sup>3</sup>

That you defer a decision on which future cases should be forwarded to you for review.<sup>4</sup>

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<sup>3</sup> Carter did not indicate his preference with respect to this recommendation.

<sup>4</sup> Carter did not indicate his preference with respect to this recommendation.

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**266. Minutes of a Policy Review Committee Meeting<sup>1</sup>**

Washington, March 24, 1977, 3:30–5:00 p.m.

## SUBJECT

Latin America

## PARTICIPANTS

*State*

Warren Christopher  
Terence Todman  
William Luers

*Defense*

Charles Duncan  
Major Gen. Richard E. Cavazos

*Joint Chiefs of Staff*

General George S. Brown  
Lt. General William Smith

*CIA*

Deputy Director Enno Knoche  
Robert Hopkins

*Treasury*

Anthony Solomon  
Edward Bittner

*Arms Control and Disarmament**Agency*

Leon Sloss

*Commerce*

Frank Weil

*NSC*

Dr. Zbigniew Brzezinski  
David Aaron  
Thomas Thornton  
Robert A. Pastor

[Omitted here is discussion unrelated to conventional arms transfers.]

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 60, PRC 008, Latin America 3/23/77. Secret. The meeting took place in the White House Situation Room. The minutes are scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXIV, South America; Latin America Regional.

*Arms Transfers*

Christopher asked whether the United States, as a declining source of arms to Latin America, is justified in adopting a special policy on arms transfers to Latin America.<sup>2</sup>

General Brown reminded everyone that in the early Kennedy years we tried to get Latin American governments to shift defense expenditures to nation-building, but as sovereign states, they just turned to other sources to buy arms. As long as they are going to buy, he preferred that they buy from us rather than the Russians.

Sloss from ACDA said that we must approach this problem globally at both ends. Discuss it with the Soviets and with other suppliers, and at the same time urge restraint by purchasers. If this does not work, he is inclined to agree with George Brown.

[Omitted here is discussion unrelated to conventional arms transfers.]

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<sup>2</sup> In undated talking points for a March 15 PRC meeting sent under cover of a March 12 briefing memorandum for Vance, the Assistant Secretary for Inter-American Affairs, Terence Todman, and the Director of Policy Planning, Anthony Lake, suggested that Vance note that U.S. options in terms of regional arms control were limited given its declining role in providing arms to Latin America. (National Archives, RG 59, Records of Anthony Lake, Policy Planning Staff, Office of the Director, Entry P-9, Regular Subject Papers, Box 2, Folder TL 3/1-15/77)

**267. Memorandum of Conversation<sup>1</sup>**

Moscow, March 29, 1977, 4:30–7:30 p.m.

**SUBJECT**

Middle East, Arms Control

**PARTICIPANTS***UNITED STATES*

Secretary Cyrus R. Vance  
Ambassador Malcolm Toon  
Mr. Paul Warnke  
Assistant Secretary Arthur  
Hartman  
Mr. William Hyland  
Mr. Leslie Gelb  
Mr. William D. Krimer,  
Interpreter

*USSR*

Foreign Minister A.A. Gromyko  
Deputy Chairman of the Council  
of Ministers L.V. Smirnov  
Deputy Foreign Minister G.M.  
Korniyenko  
Ambassador A.F. Dobrynin  
Notetaker—Name Unknown  
Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to conventional arms transfers.]

**ARMS TRANSFERS**

*The Secretary* suggested they now take up the question of arms transfers to third world countries. He said that we were concerned that arms transfers by the US and USSR to other countries, into the third world, could in the long run only lead to misunderstandings and difficulties. In our judgement, we had to find a way to exercise restraint in transferring arms to third world countries. Our restraint would depend on restraint by the Soviet Union, and it seemed to us that we should also enlist the cooperation of other sellers of weapons. As President Carter had said, we would be prepared to take unilateral steps in this direction. But in the long run, unilateral action could not succeed without the cooperation of other countries supplying arms. He proposed to use a specific example. In our judgement, providing arms to countries in southern Africa would fuel the flames and possibly lead to a broad conflict. We believed that this was not in the interest of either our two countries nor in the interest of people in the area. We believed that such actions could only strain relations between our two countries, which was not in our mutual interest. Therefore, we wanted to get the

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Vance to Moscow, March 28–30, 1977. Secret; Nodis. Drafted by Krimer; approved in draft by Hyland; and approved by Twadell on May 9. The meeting took place at the Kremlin. The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 20.

situation under control, either on a multilateral or bilateral basis. The United States would like to begin a serious dialogue on the question of arms transfers. He would appreciate learning Gromyko's thoughts on how we could exchange views on this subject. We would emphasize our interest in how one might reach a multilateral agreement among arms suppliers, and how one might best proceed to organize such an accord. We had already raised our concerns with the Federal Republic of Germany, Great Britain and France.

*Gromyko* acknowledged that the problem did exist. No one could deny that. Much weaponry was supplied to many countries. The biggest arms supplier, as President Carter has said on various occasions, was the United States, and had been for some time. In this connection, he would ask a specific question by way of example. Who was it that forced the United States to supply billions of dollars worth of armaments to Iran—was it any action on the part of the Soviet Union or some other country? Was this really indicative of any desire to exercise restraint? The Soviet leadership had been surprised and concerned when it learned of these massive arms sales. In effect, these sales had aggravated the problem. That was his first remark. Secondly, it was obvious that this question should be posed within the context of the military clashes that were taking place in the world. There were some countries that, whether we wanted it or not, were involved in military conflicts, and this fact was greatly related to the question of arms transfers. Only on paper could these two questions be separated. In any case, very frequently this linkage was obvious. Thirdly, the Soviet Union would be prepared to consider any concrete proposal the US Government wanted to table with a view to resolving this problem. Whenever the United States was ready, the USSR would be happy to take a look at it. The more specific, the better. Before involving others, it would perhaps be better to talk between our two countries; otherwise, third parties might ask for our own joint views, which might not exist.

*The Secretary* said that one of the problems one faces in the area of arms transfers was that it was often said that should we not sell arms to some country or another, the Soviet Union, or France, or Germany, would certainly jump in and do so. As a result, arms sales continued. One simply had to find a way to cut the Gordian Knot.

*Gromyko* said he realized the problem did exist and it was necessary to take a look at it.

*The Secretary* asked if it might be looked at in the context of the Middle East, perhaps.

*Gromyko* said that if it were done in the context of a peaceful settlement in that area, the Soviet Union would be in favor of it.

*The Secretary* asked: "Why not before?"



*Gromyko* said that it could not be done before, simply because it would be wrong from a political, factual, or any other aspect now. For example, on February 18, 1977, Reuters reported a statement by Prime Minister Rabin of Israel that Israel had received 1½ billion dollars worth of weapons since the 1973 war, as against 300 million before that. *Gromyko* thought the Secretary would agree that arms transfers and conflicts were interrelated.

*The Secretary* pointed out that this was certainly not a one-sided issue. The Minister would know that the Soviet Union had supplied massive arms to Middle East countries.

*Gromyko* said he would not deny that, and suggested our two countries find ways to do something about it.

*The Secretary* asked: “What about Africa?”

*Gromyko* said the same thing applied there, except that in that whole area there were 100 times more American weapons than Soviet.

*The Secretary* suggested that was something that we must jointly examine in the future.

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## 268. Memorandum From the President’s Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, undated

### SUBJECT

PRC Meeting on PRM-12—Conventional Arms Control

Yesterday the PRC met on the subject of conventional arms control. Attached you will find the following:

- At Tab A: A decision memorandum covering the five major issues on which there was *disagreement*. In each case the options chosen and arguments for and against are presented on the facing page.
- At Tab B: For your information—to be initialed if approved—a summary of the PRM’s conclusions on which there

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<sup>1</sup> Source: Carter Library, Brzezinski Donated Material, Subject File, Box 24, Meetings—PRC 11: 4/12/77. Secret. Although the memorandum is undated, a list of attendees attached to the Summary of Minutes at Tab C, but not printed, indicates that the PRC meeting occurred on April 12. (Ibid.)

was *consensus*. These are presented as modified by the PRC discussion.

- At Tab C: For your information only (Tab A contains the relevant portions needed for decision), a *summary of the minutes* of the meeting, and a list of attendees.

The major issue remains whether or not to impose a dollar volume ceiling. In my view, the implicit message of those who argued against imposing a ceiling was the feeling—or the fear—that we would not stay under it. This goes right to the heart of the question of whether you are determined to achieve real reductions in the volume of arms transferred overseas. If you are, then nearly everyone would agree that the only way to do so is to set a specific ceiling.

The fear that we might not meet a ceiling is quite justified. The FY 1976 FMS total, excluding NATO, Japan, Australia, and New Zealand, was \$7.02 *billion*. The comparable estimate for FY 1977 (including the decisions you made earlier this week) is \$8.25 *billion*. Possible additional major cases of which State is already aware are:

<i>Possible Major Cases</i>		<i>Low</i>	<i>High</i>
Iran	250 F-18L	2.5	3.0
Iran	140 F-16	2.2	2.2
Saudi Arabia	50 F-15	3.0	4.0
Israel	250 F-16	3.0	4.0
Spain	72 F-16	1.2	1.5
Pakistan	110 A-7	.6	.6
Korea	60 F-16	1.0	1.0
Israel	Miscellaneous	.3	.3
Egypt	200 F-5s	.7	.7
		14.5	17.3

Thus we are already more than a billion dollars over last fiscal year. A lot more is pending, and we have 5 *months* left to go of FY 1977.

On the other hand, if we look at the calendar year—for which this Administration is responsible—the picture is much brighter, in fact a significant cut appears possible. My point is simply that a strict discipline is going to be needed to just avoid surpassing last year—let alone cutting back.

At this time, your choice is among: a specific ceiling; an unspecified reduction; or, relying on other types of controls to achieve restraint. The decision of exactly what a ceiling should cover, exactly what level should be adopted, and which year it should be applied to, can be addressed in a follow-on paper if you decide on the ceiling option.

In my opinion there are three compelling reasons for a ceiling:

—*Political necessity*. Neither Congress nor the press will let you get away with saying “we will sell less” as was suggested yesterday. Conventional arms control was a major focus of your campaign.

—*International necessity*. The U.S., as the world’s leading supplier, will have to make clear its intent to exercise restraint if we are to create any international momentum toward joint supplier restraint. Tougher management guidelines will not be sufficient.

—*Management realities*. A ceiling is probably the only way to force the hard choices necessary to actually cut the volume of arms transfers.

## Tab A

### Major Issues of Disagreement<sup>2</sup>

Washington, undated

#### DOLLAR VOLUME CEILINGS

*Vance* recommends Control 3(b). He believes there is a need for a ceiling in the early years of the new arms sales policy, because it would help us discipline ourselves and manage the program more effectively than would a general statement on reduction. Also, it would force us to consider more explicitly the trade-offs between and among arms sales.

*Brown* recommends Control 2. He believes that establishing a ceiling would: 1) reduce our flexibility; 2) encourage purchasers to cluster their orders early in the fiscal year; 3) result in the ceiling being used as a floor; 4) lead to enormous accounting problems; 5) spur Congress to put ceilings or subceilings into law. He notes, however, that a ceiling is politically attractive and the only sure way to meet our goal of restraint in the conventional arms area.

*Warnke* recommends Control 2, agreeing that the ceiling cuts into our flexibility and may become a target. He would recommend, however, using the term “significant reduction.”

*Smith* (JCS) recommends Control 1.

*Benson* (Under Secretary of State for Security Assistance) recommends Control 2, believing that reductions in arms sales can be achieved without an inflexible ceiling.

*Lance* recommends Control 2, but would also use the term “significant reduction.”

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<sup>2</sup> Secret.

*Aaron* recommends Control 3(b). He believes that, given your statements on this subject, defense of a new policy of restraint would be a political impossibility without a quantified percentage reduction or ceiling. He stated that this would be the first question asked of Jody Powell and our witnesses on the Hill.

*Brzezinski* recommends Control 3(b), believing that only a ceiling will allow you to fulfill your pledge to reduce the transfer of arms. Establishment of a ceiling would tell the U.S. public and the world that we intend to scale down our arms transfers, thus indicating our sincerity to the French, British, and other suppliers.

### *DOLLAR VOLUME CEILINGS*

*Issue:* Should there be a fixed ceiling on the dollar volume of U.S. arms transfers?

*Controls:*

1. Utilize ceilings for planning purposes only, relying on other specific controls to achieve greater restraint in arms transfers.

2. State that the dollar volume of arms transfers in FY 1977 will be reduced from the FY 76 total, and that the volume of FY 1978 transfers will likewise be reduced from the FY 1977 total.<sup>3</sup>

3. For FY 1977, impose a ceiling on total U.S. arms transfers at a level equal to the FY 1976 total. For FY 1978, reduce the ceiling by 10 percent<sup>4</sup> from the FY 1976 total. The ceiling could be applied:

a. Across the board to all types of transfers: weapons, ammunition, supporting equipment, spare parts, training, and construction.

b. Only to weapons and weapons-related items, exempting those sales which clearly can be classified as services.

*Decision:*

Control 1. \_\_\_\_\_

2. \_\_\_\_\_<sup>5</sup>

3a. \_\_\_\_\_

3b. \_\_\_\_\_

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<sup>3</sup> Carter bracketed the phrase that begins with "the dollar volume" and ends with "transfers will likewise", drew a line through "likewise", and wrote a comment in the right-hand margin that is illegible.

<sup>4</sup> Carter underlined "10 percent" and wrote a comment in the right-hand margin that is illegible.

<sup>5</sup> Carter drew lines to 2 and 3a here and wrote "Combine. J" and "Specific to reductions or # limits [that] will be set by me with Cy + Harold—J" in the right-hand margin.

*LIMITS ON TRANSFERS OF NEW SYSTEMS*

*Vance* recommends Controls 1, 2, and 4. He believes that this issue is at the heart of the arms sale problem, and strict controls need to be established.

*Brown* recommends Control 1, and if dollar volume ceilings are *not* imposed, he recommends Control 4 also. He does not recommend Control 2, because of our Latin American experience which has demonstrated that unilateral restraint on our part does not reduce the flow of weapons to a region.

*Warnke* recommends Controls 1, 2, and 4. He also believes this issue is central to the arms sale problem, and that strict control is thus a necessity. He notes that Controls 2 and 4 are inextricably bound, that applying Control 4 without Control 2 would be of little use.

*Smith* recommends Control 4.

*Lance* recommends Controls 1, 2, and 3.

*Brzezinski* recommends Control 1, *assuming* dollar volume ceilings are established. He notes that while Control 2 appears reasonable in the abstract, it might unduly limit our flexibility in future situations, where transfer of limited amounts of high-technology equipment may advance our interests.

*LIMITS ON TRANSFER OF SIGNIFICANT NEW SYSTEMS*

*Issue:* The issue is the extent to which we should limit the transfer, or production abroad, of significant, newly-developed weapons systems. The transfer of advanced systems raises concern about destabilizing effects in the region involved, the financial burdens involved for recipients, and the compromise of new technology.

*Controls:*

1. Establish more extensive guidelines for assessing requests for equipment sales, including requirements 1) that supplying the system would uniquely strengthen the requestor's ability to perform military functions which serve U.S. security interests, and 2) that less-advanced existing systems with roughly comparable capabilities are unavailable from the United States.<sup>6</sup>

2. Enunciate the principle that the United States will not be the first supplier to introduce into a region an advanced weapon that creates a new or significantly higher combat capability.<sup>7</sup>

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<sup>6</sup> Carter wrote "ok" in the right-hand margin beside this paragraph, and a comment beneath it that is illegible.

<sup>7</sup> Carter wrote "ok" in the right-hand margin beside this paragraph.

3. Compile a list of all major advanced systems which we will not release overseas for sale, cooperative R&D, or coproduction.

4. Prohibit the commitment for sale, cooperative R&D, or coproduction of newly-developed, major weapons systems at least until the systems are operationally deployed with U.S. forces.<sup>8</sup>

*Decision:*

Control 1. \_\_\_\_\_<sup>9</sup>

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

*LIMITS ON NEW TECHNOLOGY  
EXPLICITLY DEVELOPED FOR EXPORT*

*Vance* recommends Control 3.

*Brown* recommends Control 2. He is against U.S. manufacturers becoming so involved in a foreign market as to have a vested interest.

*Warnke* recommends Control 2, but would support Control 3.

*Benson* recommends Control 3, but would support Control 2.

*Brzezinski* recommends Control 1.

*LIMITS ON NEW TECHNOLOGY  
EXPLICITLY DEVELOPED FOR EXPORT*

*Issue:* Should the United States permit the sale abroad of systems which represent advanced U.S. weapons technology, but which are developed or modified especially for the foreign market?

*Controls:*

1. Establish more extensive guidelines for assessing requests for equipment sales, including requirements 1) that supplying the system would uniquely strengthen the requestor's ability to perform military functions which serve U.S. security interests; 2) that after a specified period, the requestor must have the ability to maintain the system with minimal U.S. assistance; and 3) that less-advanced, existing systems with roughly comparable capabilities are unavailable from the United States or friendly suppliers.

2. Permit the export of unique systems or major modifications of U.S. systems on a case-by-case basis if the recipient validates a requirement for a specific weapon system to fulfill a specific mission, but nor-

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<sup>8</sup> Carter wrote "ok" in the right-hand margin beside this paragraph.

<sup>9</sup> Carter checked options 1, 2, and 4.

mally prohibit sales if roughly comparable capabilities could be provided by existing or planned systems.<sup>10</sup>

3. Permit export of unique advanced weapons systems or major modifications only<sup>11</sup> to key treaty allies (NATO, Japan, Australia, and New Zealand). Prohibit in all other cases.

*Decision:*

Control 1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_<sup>12</sup>

#### *LIMITS ON COPRODUCTION*

*Vance* recommends Control 1.

*Brown* recommends Control 1, but would not object to imposition of Control 2.

*Warnke* recommends Control 1, but would not object to imposition of Control 2.

*Smith* recommends Control 1.

*Lance* recommends Control 2.

*Brzezinski* recommends Control 2, noting that it would be inconsistent to approve significant numbers of coproduction agreements while restricting U.S. exports of high-technology items.

#### *LIMITS ON COPRODUCTION*

*Issue:* The development of indigenous military industries is a priority objective of an increasing number of countries. Responding to requests for assistance in establishing production capabilities is a growing policy issue for the United States. There are two interrelated concerns: (1) Should the United States limit the number of significant coproduction agreements; and (2) How might we restrict the proliferation of arms we do approve for coproduction.

*Controls:*

1. Subject all requests to review under guidelines applied globally. In reviewing requests, analyze closely whether or not the proposed coproduction project would over time provide equipment in excess of

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<sup>10</sup> Carter wrote "ok" in the right-hand margin beside this paragraph.

<sup>11</sup> Carter underlined "only", drew a line to the word "modifications", and wrote "unless special circumstances [illegible] by president—" in the space above this paragraph.

<sup>12</sup> Carter checked option 3, and wrote "Does this change present policy toward Israel? J" in the margin.

local needs. Stipulate in each approved agreement the terms under which exports will be permitted, if at all, emphasizing the principle that coproduction is intended for the co-producers' requirements and not for export.

2. Prohibit all new coproduction agreements of significant weapons, equipment, or major components, beyond assembly of sub-components and the fabrication of high-turnover spare parts, except with key allies and where the President determines that such agreement is justified by extraordinary circumstances. Subject requests for any other items (e.g., major overhaul facilities) to review under guidelines applied globally. Apply to all agreements the export restrictions specified in Control 1.

*Decision:*

Control 1. \_\_\_\_\_

2. \_\_\_\_\_<sup>13</sup>

#### SENSITIVE WEAPONS

*Vance* recommends Control 3.

*Brown* recommends Control 3.

*Warnke* recommends Control 1, believing that a list is unnecessary if we establish a policy presumption against sales. If a list were approved, he has no opinion on whether it should be public or private.

*Smith* recommends Control 3.

*Benson* recommends either Control 2 or Control 3.

*Lance* recommends Control 1, with the President approving exceptions.

*Brzezinski* recommends Control 3.

#### SENSITIVE WEAPONS

*Issue:* Certain weapons are considered sensitive from a political or a security point of view, because they are particularly deadly, or are particularly susceptible to use by terrorists. Should there be a public listing of sensitive weapons which the United States will not transfer to foreign countries?

*Controls:*

1. Continue the current system of informal, unpublished guidelines.
2. Establish a public list of sensitive items which the United States will not transfer abroad.

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<sup>13</sup> Carter checked option 2 and wrote "Explain consequences to me" in the right-hand margin.



3. Establish a list of sensitive items which the United States will not transfer abroad, but do not make it public.<sup>14</sup>

*Decision:*

Control 1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_<sup>15</sup>

## **Tab B**

### **Areas of Consensus<sup>16</sup>**

Washington, undated

#### *1. Management*

##### *RECOMMENDATION:*

1. Maintain essentially the present system, but improve procedures by means of more explicit guidelines drawn from the policy controls chosen.

2. *Additionally*, approve in principle the establishment of an inter-agency Arms Export Control Board, advisory to the Secretary of State and chaired by the Under Secretary for Security Assistance, with the Director of State's Bureau of Politico-Military Affairs as Vice Chairman. Terms of reference for the Board would be determined later.<sup>17</sup>

#### *2. Multilateral Restraint*

*RECOMMENDATION:* On the basis of the President's decisions that define U.S. policy, State and ACDA will develop a plan to promote international cooperation in restraint of arms transfers.

#### *3. Control of U.S. Government Financing: MAP*

*RECOMMENDATION:* Continue to use grant MAP as an element of base agreement quid pro quo, and in special cases on a temporary basis for specific political and military purposes (e.g., Jordan).

#### *4. Control of U.S. Financing: FMS Credits*

*RECOMMENDATION:* Continue to provide FMS financing at levels determined essentially by U.S. political and military objectives.

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<sup>14</sup> Carter wrote "ok" in the right-hand margin beside this paragraph.

<sup>15</sup> Carter checked option 3 and wrote "J" in the right-hand margin.

<sup>16</sup> Secret.

<sup>17</sup> Carter wrote a comment beneath this paragraph that is illegible.

### 5. *Employment of U.S. Citizens on Overseas Defense Contracts*

*RECOMMENDATION:* The question of the extensive use of U.S. citizens to support overseas military projects will be a factor in arms transfer decisions.

### 6. *Third Party Transfers*

*RECOMMENDATION:* That a policy recommendation be made to terminate assistance in cases of substantial violations;

*Additionally,* as a condition of sale for certain categories of equipment and certain countries, require agreement between the United States and the recipient that the equipment *will not* be transferred.

*Additionally,* in cases where there is a serious risk of future unauthorized third party transfer or the quantity of items appears to exceed military needs, deny the original sales request or reduce the quantity requested.

### 7. *Arms Transfers to Low-Income Countries*

*RECOMMENDATION:* Obtain an interagency assessment of the economic impact of proposed transfers of major defense equipment to those LDCs receiving United States economic assistance. Consider denying arms requests when the economic impact is substantial.

### 8. *Restricting Arms Transfers to Government-to-Government Transactions*

*RECOMMENDATION:* Maintain a mix of government-to-government and commercial sales. Review present categories of commercial transfers to identify those items which might be shifted to government channels. Remove civilian-type items from the Munitions List.

### 9. *Commercial and Government Incentives to Stimulate Arms Transfers*

*RECOMMENDATION:* Policy level approval by the Department of State is required before authorizing:

(a) licenses for sales promotion or technical data transmission by private firms;

(b) U.S. military or civilian briefings, site surveys, transmission of technical information, or any similar activity which might promote the sale of defense articles or services.

*Additionally,* U.S. embassies and military elements will not promote nor assist in the promotion of arms sales without specific authorization.

*Additionally,* the Defense Department will continue its review of Government procedures which may promote sale of arms, reporting the results of this review to the President within 60 days.

**Tab C****Summary Minutes of a Policy Review Committee Meeting<sup>18</sup>**

Washington, undated

*SUMMARY MINUTES**POLICY REVIEW COMMITTEE MEETING ON ARMS TRANSFERS*  
(List of Attendees Attached)<sup>19</sup>*Dollar Volume Ceilings*

*Brown* argued against dollar volume ceilings, citing the following reasons: 1) reduces our flexibility; 2) encourages purchasers to cluster orders early in the fiscal year; 3) encourages use of the ceiling as a floor; 4) would lead to enormous accounting problems; 5) might spur Congress to put ceilings or even subceilings into law. *Brown* said the arguments for dollar volume ceilings include: 1) the political attractiveness of ceilings; and 2) the fact that it is the only sure way of doing what we said we would do in the conventional arms area. *Brown*, *Warnke*, and *Benson* recommended that instead of imposing a ceiling, we should state that we will agree to sell less each year, something that has occurred over the past two years anyway, and something which would indicate our commitment to restraint. *Warnke* and *Lance* recommended further that the President announce that we will have “significant reductions” in arms sales. *Smith* stated his opposition to a ceiling, maintaining that we will have trouble with our allies if we set an arbitrary ceiling at the outset of a fiscal year.

*Brzezinski* said that he thought ceilings would allow the President to fulfill his pledge to reduce the transfer of arms, and that ceilings would tell the U.S. public and the world, especially other suppliers, that the President intends to scale down the transfer of arms. *Brzezinski* stated, however, that he would recommend focusing on weaponry since that is what contributes most significantly to the arms race. *Vance* stated that he believed there was a need for a ceiling in the early years of the new arms sales policy, because it would help us discipline ourselves and manage the program more effectively than would a general statement on reduction. *Aaron* stated that, given the President’s strong statements on this subject, defense of the new policy would be a political impossibility without a number indicating some percentage reduction or ceiling. *Vance* agreed, and *Brzezinski* stated that, excluding allies

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<sup>18</sup> Secret.<sup>19</sup> Attached but not printed.

and focusing on weaponry alone, a 10 percent cut would be an appropriate number.

### *Significant New Systems*

*Vance and Warnke* recommended: adoption of restrictive guidelines; enunciation of a principle that we would not be the first to introduce significant systems into a region; and, prohibition of transfer at least until the system was deployed with U.S. forces. *Brown and Smith* supported the prohibition of transfer at least until U.S. operational deployment. *Brzezinski and Brown* were hesitant about establishing the principle prohibiting our first introduction of a significant system, because it might be beneficial in selected instances to introduce limited quantities of new significant items to preclude proliferation of less-significant, but still dangerous, weaponry. If dollar volume ceilings are established, *Brzezinski* recommended only adopting restrictive guidelines.

### *New Technology Developed Solely for Export*

*Brown, Warnke, and Lance* recommended that systems developed or modified solely for export normally be approved only if a special need exists and comparable capabilities cannot be provided by an existing U.S. system. *Brown* stated that he is against U.S. suppliers becoming so involved in foreign markets that they develop a vested interest. *Vance* recommended an even more restrictive control, allowing transfers of this type only to key allies. *Brzezinski* recommended establishment of extensive guidelines, rather than the other two controls.

### *Coproduction*

*Brzezinski and Lance* recommended prohibition of coproduction agreements except in very limited circumstances. *Brzezinski* noted that it would be inconsistent to approve coproduction agreements while restricting U.S. exports of military equipment. All other participants recommended adoption of restrictive, but not prohibitive, guidelines, although *Brown, Warnke, and Benson* stated they could accept the guideline calling for prohibition.

### *Sensitive Weapons*

Most of the participants agreed that a list of sensitive weapons needs to be established. *Vance, Brown, Smith, and Brzezinski* recommended keeping the list private, *Brown* asserting that a public list could be an attractive nuisance. *Lance* recommended maintaining the current system of informal, unpublished guidelines, while *Warnke* said that a list would be unnecessary if we established a presumption against sales.

*Arms Export Control Board*

There was agreement in principle to establish an interagency Arms Export Control Board, advisory to the Secretary of State, and chaired by the Under Secretary of State for Security Assistance. Terms of reference will be established in a follow-on memorandum, with special emphasis given to ensuring the President is kept apprised of significant developments.

*Multilateral Initiatives*

Vance reiterated our commitment to seek multilateral cooperation after establishing our own policy. He stated that it would be ACDA and State's responsibility to develop a proposed program for submission to the President.

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**269. Memorandum of Conversation<sup>1</sup>**

Washington, April 28, 1977

**SUBJECT**

Arms Transfer Policy

**PRESENT**

The Secretary  
Mrs. Lucy Benson, Under Secretary, Security Assistance  
Mr. Robert Kimmitt, NSC Staff  
Mr. Kempton Jenkins, Deputy Assistant Secretary, Congressional Relations  
Senator Sparkman  
Senator Baker  
Senator Stennis  
Senator Percy  
Senator Pell  
Senator McGovern  
Senator Clark  
Senator Stone  
Senator Sarbanes  
Senator Thurmond  
Senator Javits

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, EXDIS Memcons, 1977. Confidential; Exdis. Drafted by Jenkins; cleared by Benson in substance and Kimmitt in draft; and approved by Twaddell on May 4. The meeting took place at the Capitol. Vance held a similar meeting with members of the House of Representatives on April 26. (Ibid.)

Senator Glenn  
Senator Inouye<sup>2</sup>

Before the session got underway, Baker raised some questions about how genuine the consultation was to be. He noted the Gwertzman story in the *New York Times* last Monday<sup>3</sup> and wondered whether, in fact, the President had already made his decisions. The Secretary informed him that the decisions had not been made and regretted the leak. He pointed out that the Gwertzman story concerned an options paper<sup>4</sup> and what he was discussing today was a Presidential draft drawn up after considering the options paper.

The Secretary then distributed copies of the draft<sup>5</sup> to each Member and led the Members through a point-by-point consideration of it.

### *Introduction*

Sparkman and Percy queried how we would be able to factor in the human rights element. Sparkman expressed some worry that commitment to human rights can be perceived as intervention; the difference is a fine line. The Secretary recognized the problem and assured the Senators that it was the President's intention to deal with this problem with great precision and care.

### *Paragraph 1*

Senator Stone opened the longest discussion of the meeting by questioning the specific exemptions for NATO, Australia, New Zealand and Japan, criticizing the absence of Israel from the excepted list. He pointed out that the problem was exactly the same on points 3 and 4 in the paper.

McGovern contested Stone, pointing out that, should we make a specific exception for Israel, we would then be cast in the role once again of one-sided support for Israel at the expense of the Arab states. He emphasized that pursuit of a peaceful settlement in the Middle East is the most important contribution we can make to Israeli security. Stone disagreed, insisting that the draft in its present form "discrimi-

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<sup>2</sup> Ducked in for a few minutes only. [Footnote is in the original.]

<sup>3</sup> The *New York Times* published Bernard Gwertzman's article "Carter is Studying Arms Sale Controls" on April 25.

<sup>4</sup> Reference is to a paper prepared by the Ad Hoc Interagency Group on Arms Transfer, "Response to PRM/NSC-12: Arms Transfer Policy Review," undated, attached to an April 7 memorandum from the Acting Staff Secretary of the National Security Council, Michael Hornblow. (National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Subject Files Pertaining to Presidential Review Memorandum and Directives, MEMCONS with Foreign Officials, and National Security Decision and Study Memoranda, May 1963–October 1980, Accession #383-98-0053, Box 1, Presidential Review Memorandum/NSC-12—Arms Transfer Policy Review, January–May 1977)

<sup>5</sup> See Attachment to Document 270.

nates" against Israel. He insisted the document must include a reference to our special relationship with Israel. Stone and McGovern then had a brief but intense exchange without result. Pell interjected that the way to solve this problem might be to drop the specification of any countries. Stone accepted that; Sarbanes pressed for deleting the exceptions in all three paragraphs.

*Paragraph 2B*

Javits expressed concern that the "prohibited" terminology was too sweeping. He said, furthermore, how could a system be operationally deployed with U.S. forces before research and development are already completed? He suggested that 2B be recast in the language of 2A, i.e., "except in extraordinary circumstances approved by the President". While no one else at the meeting spoke on that subject, several Members nodded their agreement with Javits' suggestion.

*Paragraph 3*

Sparkman suggested deleting the exceptions would solve the only problem in this paragraph. Sarbanes and others concurred.

*Paragraph 4*

Several of the Members commented again on the "exception" for NATO countries, et al. Once again it was clear that deletion of these exceptions would solve the no-reference-to-Israel problem. Stone insisted that the absence of any reference to Israel in this document which does reference other exceptions would clearly be a signal to Israel and the Arab states of a downgrading of the U.S. special relationship with Israel.

*Paragraph 5*

McGovern noted that this is simply a restatement of the existing law under the Foreign Assistance Act, which the Secretary confirmed.

*Paragraph 6*

Glenn and Javits expressed concern that this paragraph is perhaps more sweeping than we realize. Glenn even suggested that we might be exceeding our constitutional authority and said, "You will be telling American businessmen that they cannot go out and sell unless the Department of State authorizes it." The Secretary and Mrs. Benson pointed out that there have been preliminary discussions with a number of defense corporations and that they seemed ready, generally, to acquiesce in this practice. In point of fact, Mrs. Benson said, much of this preliminary discussion with the State Department is already a well-established tradition, although nothing is as complete and binding as that in the draft. Other members of the Committee agreed with Glenn's assessment that this is a significant policy change, but, in con-

trast to Glenn, they clearly support it—Clark, McGovern, Pell and Sarbanes particularly.

Javits suggested that we subsume paragraph 6 under paragraph 2 and limit its application to “sophisticated weaponry”.

There was then a good deal of back and forth with Glenn, Javits and others as to what is covered and what is not. It seemed from the discussion that a brief insert after the language, “defense articles and services” to explain that we mean items of major defense equipment on the ITAR list would answer these questions.

### *Arms Control and Iran*

McGovern then asked the Secretary about how this new policy would impact upon our arms sales to Iran and the Committee’s deep concern about arms transfers to the Persian Gulf area. The Secretary said, in his judgment, this policy would have a profound effect on arms sales to Iran, particularly in terms of the more sophisticated weaponry which the Iranians have sought. He pointed out that in Iran, for example, a number of cases had developed where arms salesmen had dealt directly with the Iranians and had created interest in advanced weapons systems, some still on the drawing board, which then posed a diplomatic challenge for us if we chose to limit such sales.

### *Earlier Notification to Congress*

Clark said he hailed the President’s draft and wondered if we might not wish to crank in a specific means of providing earlier notification to the Congress. He said whereas Congress now has 20 days informal notice and 30 days formal notice, this was still after an arms sale project was fairly well developed and Congressional disapproval became difficult and diplomatically expensive. He referred to the possibility of Congressional involvement at the price-and-availability stage. Clark said perhaps the new board for arms sales controls would be the best vehicle for early Congressional input. Mrs. Benson and the Secretary concurred.

### *Hussein’s Visit*

Javits then raised the question of Hussein’s visit.<sup>6</sup> He said the situation, in his judgment, is now ripe for a review of Rabat.<sup>7</sup> He wondered whether this had come up during Hussein’s visit.

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<sup>6</sup> King Hussein of Jordan visited the United States on April 25–26. For more on these meetings, see *Foreign Relations*, vol. VIII, Arab-Israeli Dispute, January 1977–August 1978, Documents 30 and 31.

<sup>7</sup> King Hussein and Yasser Arafat, the head of the Palestine Liberation Organization, met in Rabat, Morocco in March to discuss a proposed Palestinian state on the West Bank and whether the PLO should be an independent representative or part of the Jordanian delegation to an upcoming peace conference on the Middle East.



The Secretary replied that he had indeed discussed it with Hussein. He said Hussein will not be the first one to raise the question with his colleagues, and other leaders are not sufficiently in agreement to revise it. It would seem, however, that this could be done some time in the future.

Javits replied that few things would provide more reassurance as to peaceful settlement in the Middle East. Hussein has a well-deserved reputation as a moderate. The Rabat agreement, however, gave the ball to the radical militants among Arab leaders and he, Javits, felt it was a matter of great urgency to get the ball back into the hands of the moderates.

#### *Consultation*

The meeting concluded with a number of Senators, including Percy and Sparkman particularly, praising this genuine consultation. It was obvious that all the Members present recognized the serious intent on the part of the President to consult in advance. They expressed the hope that this is the harbinger of a new era in consultation.

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#### **270. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, May 3, 1977

Attached is a revised version of the proposed Presidential Directive on arms transfers. It has been revised by Cy Vance and myself, in the light of Cy's consultations on the Hill.<sup>2</sup>

To facilitate your reading and approval, the new passages are underlined; previously approved language to be removed is bracketed and crossed out in pencil.

More specifically, please note that the first underlined passage merely states the exemption which previously had been repeated several times throughout the PD, thereby flagging it excessively. Since the

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 3, Arms Sales, Presidential Review Memorandum/NSC-12: 5/75-6/77. Secret; Sensitive. In the upper right-hand corner of the memorandum, Carter wrote "ok—Will issue after Summit—JC."

<sup>2</sup> See Document 269.

US has 42 defense treaties, we concluded that we had no choice but at least to mention these special treaty obligations specifically once.

The addition to paragraph 2 c. was in our submission to you, and I think it is consistent with what you favor. If it is not we will take it out.

The proposed alternative language for paragraph 5 is designed to be more consistent with existing laws.

Since this issue is likely to be discussed at least in your bilateral with Giscard, we suggest that you take a copy of this memorandum with you and that its final issuance be delayed until your return.<sup>3</sup>

## **Attachment**

### **Annotated Presidential Directive<sup>4</sup>**

Washington, undated

#### *ANNOTATED PD<sup>5</sup>*

After reviewing results of the Policy Review Committee meeting held on April 12, 1977, to discuss US conventional arms transfer policy, I have concluded that we must restrain the transfer of conventional arms by recognizing that arms transfers are an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfers contribute to our national security interests.

In establishing this policy of restraint, the United States will continue to utilize arms transfers to promote our security and the security of our allies and close friends.

Recognizing that unilateral restraint can have only limited effectiveness without multilateral cooperation, the United States will continue its efforts to urge other suppliers to join us in pursuing policies of restraint. In addition, we believe that regional agreements among purchasers of arms can contribute significantly to curbing the proliferation of conventional weaponry, and we will assist in whatever way possible in the conclusion of such agreements.

The United States will give continued emphasis to formulating and conducting our security assistance programs in a manner which

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<sup>3</sup> Underneath this sentence, Carter wrote "Let's do so. J" and drew an arrow to the word "until."

<sup>4</sup> Secret; Sensitive. All brackets are in the original.

<sup>5</sup> Suggested new language is underlined. Existing language to be removed is bracketed. [Footnote is in the original.]

will promote and advance respect for human rights in recipient countries.

Further, an assessment will henceforth be made of the economic impact of proposed transfers of major defense equipment to those less developed countries which receive US economic assistance.

In recognition of our special treaty obligations with NATO countries, Japan, Australia, and New Zealand, these countries will be exempted as appropriate from the dollar volume restraints and other controls established below:

In furtherance of this policy of restraint, and except in extraordinary circumstances personally approved by me, I direct that:

1. The dollar volume (in constant 1976 dollars) of [Transfers of] new commitments under the Foreign Military Sales and Military Assistance Programs for weapons and weapons-related items in FY 1978 will be reduced from the FY 1977 total [(exempting transfers to NATO countries, Australia, New Zealand, and Japan in both cases)]. It will be our goal to continue to reduce total dollar volume [s approved] in each subsequent year.

2. With regard to newly-developed advanced weapons systems:

a. [Except in extraordinary circumstances personally approved by the President,] The United States will not be the first supplier to introduce into a region an advanced weapons system which creates a new or significantly higher combat capability.<sup>6</sup>

b. Commitment for sale [, cooperative research and development,] or coproduction of newly-developed advanced weapons systems is prohibited until the systems are operationally deployed with US forces.

c. The Secretary of State will establish more extensive guidelines for assessing requests for newly-developed advanced weapons systems, including requirements 1) that supplying the system would uniquely strengthen the requestor's ability to perform military functions which serve US security interests, [and] 2) that less-advanced, existing systems with roughly comparable capabilities are unavailable from the United States, and 3) that providing these systems will not require the presence in country of large numbers of Americans for long periods of time.<sup>7</sup>

3. [Unless an exception is personally approved by the President,] Unique advanced weapons systems developed or significantly modified solely for export will be transferred only within the treaty relationships referred to above [only to NATO countries, Australia, New Zealand, and Japan].<sup>8</sup>

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<sup>6</sup> In the left-hand margin next to this paragraph, Carter wrote "Too tight a restriction—why delete?" and then crossed the phrase out.

<sup>7</sup> In the left-hand margin next to this paragraph, Carter wrote "ok."

<sup>8</sup> In the left-hand margin next to this paragraph, Carter wrote "ok."

4. Agreements for coproduction of significant weapons, equipment, or major components, beyond assembly of subcomponents and the fabrication of high-turnover spare parts are prohibited, [except with NATO countries, Australia, New Zealand, and Japan, or where the President determines that such agreement is justified by extraordinary circumstances.] Requests for any other items (e.g., major overhaul facilities) will be subject to guidelines applied globally, analyzing closely whether the proposed coproduction project would over time provide equipment in excess of local needs. In each approved agreement, terms under which third-country exports will be permitted, if at all, will be stipulated, emphasizing that coproduction is intended for the coproducer's requirements and not for export.

5. [Unless otherwise specified, no significant weapons, equipment, or major components acquired from the United States will be transferred to third countries without US permission.] In addition to the requirements of law and existing policies concerning re-transfer assurances, the US, as a condition of sale for certain weapons, equipment, or major components, may stipulate that the US will not entertain any requests for re-transfers.<sup>9</sup>

6. Policy level approval by the Department of State will be required before authorizing 1) licensing for sales promotion or technical data transmission by private firms, and 2) US military or civilian briefings, site surveys, transmission of technical information, or any similar activity which might promote the sale of items of major defense equipment [defense articles and services]. Further, US embassies and military elements will not promote or assist in the promotion of arms sales without specific authorization. Finally, the Secretary of Defense will continue the review of government procedures which may promote the sale of arms, reporting the results of this review within 60 days.

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<sup>9</sup> In the left-hand margin next to this paragraph, Carter wrote "ok."

**271. Presidential Directive/NSC-13<sup>1</sup>**

Washington, May 13, 1977

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Secretary of the Treasury  
The Director, Office of Management and Budget  
The Chairman, Council of Economic Advisers  
The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence

SUBJECT

Conventional Arms Transfer Policy

After reviewing results of the Policy Review Committee meeting held on April 12, 1977,<sup>2</sup> to discuss US conventional arms transfer policy, I have concluded that we must restrain the transfer of conventional arms by recognizing that arms transfers are an exceptional foreign policy implement, to be used only in instances where it can be clearly demonstrated that the transfers contribute to our national security interests.

In establishing this policy of restraint, the United States will continue to utilize arms transfers to promote our security and the security of our allies and close friends. Recognizing that unilateral restraint can have only limited effectiveness without multilateral cooperation, the United States will continue its efforts to urge other suppliers to join us in pursuing policies of restraint. In addition, we believe that regional agreements among purchasers of arms can contribute significantly to curbing the proliferation of conventional weaponry, and we will assist in whatever way possible in the conclusion of such agreements.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Presidential Directive/NSC-13: 5–11/77. Secret; Sensitive. Carter signed the top of the first page and initialed the bottom of pages 2 and 3. Carter announced the new policy on May 19. (*Public Papers: Carter, 1978*, pp. 931–932) The Department of State informed all diplomatic posts that PD-13 had been publicly announced and provided guidance for an explanation of the new policy to be held “at highest appropriate Foreign Ministry level” with each host government. (Telegram Tosec 40353/115244 to all diplomatic posts, May 19; National Archives, RG 59, Central Foreign Policy File, D770179–0462)

<sup>2</sup> See Tab C, Document 268.

The United States will give continued emphasis to formulating and conducting our security assistance programs in a manner which will promote and advance respect for human rights in recipient countries.

Further, an assessment will henceforth be made of the economic impact of proposed transfers of major defense equipment to those less developed countries which receive US economic assistance.

In recognition of our special treaty obligations with NATO countries, Japan, Australia, and New Zealand, these countries will be exempted as appropriate from the dollar volume restraints and other controls established below. The United States will remain faithful to its treaty obligations, and will also honor its historic responsibilities regarding Israel's security.<sup>3</sup>

In furtherance of this policy of restraint, and except in extraordinary circumstances personally approved by me or where I determine that countries friendly to the United States must depend on advanced weaponry to offset quantitative and other disadvantages in order to maintain a regional balance, I direct that:

1. The dollar volume (in constant 1976 dollars) of new commitments under the Foreign Military Sales and Military Assistance Programs for weapons and weapons-related items in FY 1978 will be reduced from the FY 1977 total. It will be our goal to continue to reduce total dollar volume in each subsequent year.

2. With regard to newly-developed advanced weapons systems:

- a. The United States will not be the first supplier to introduce into a region an advanced weapons system which creates a new or significantly higher combat capability.

- b. Commitment for sale or coproduction of newly-developed advanced weapons systems is prohibited until the systems are operationally deployed with US forces.

- c. The Secretary of State will establish more extensive guidelines for assessing requests for newly-developed advanced weapons systems, including requirements 1) that supplying the system would uniquely strengthen the requestor's ability to perform military functions which serve US security interests, 2) that less-advanced, existing systems with roughly comparable capabilities are unavailable from the United States, and 3) that providing these systems will not require the presence in country of large numbers of Americans for long periods of time.

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<sup>3</sup> At a May 16 Cabinet meeting, Brzezinski noted that the PRM had been "revised in accordance with the President's directive. It now recognizes the special status of Israel." White House Counsel Robert "Lipshutz and others have reported that the policy is being favorably received in the Jewish community." (Minutes of the Cabinet meeting, May 16; Carter Library, Cabinet Meeting Minutes, Box 7, 1/24/77-5/23/77)

3. Unique advanced weapons systems developed or significantly modified solely for export will be transferred only within the treaty relationships referred to above.

4. Agreements for coproduction of significant weapons, equipment, or major components, beyond assembly of subcomponents and the fabrication of high-turnover spare parts are prohibited. Requests for any other items (e.g., major overhaul facilities) will be subject to guidelines applied globally, analyzing closely whether the proposed coproduction project would over time provide equipment in excess of local needs. In each approved agreement, terms under which third-country exports will be permitted, if at all, will be stipulated, emphasizing that coproduction is intended for the coproducer's requirements and not for export.

5. In addition to the requirements of law and existing policies concerning re-transfer assurances, the US, as a condition of sale for certain weapons, equipment, or major components, may stipulate that the US will not entertain any requests for re-transfers.

6. Policy level approval by the Department of State will be required before authorizing 1) licensing for sales promotion or technical data transmission by private firms, and 2) US military or civilian briefings, site surveys, transmissions of technical information, or any similar activity which might promote the sale of items of major defense equipment. Further, US embassies and military elements will not promote or assist in the promotion of arms sales without specific authorization. Finally, the Secretary of Defense will continue the review of government procedures which may promote the sale of arms, reporting the results of this review within 60 days.

J.C.

**272. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance and Secretary of Defense Brown<sup>1</sup>**

Washington, May 27, 1977

SUBJECT

Fiscal Year 1977 Foreign Military Sales

Because of the President's interest in monitoring the level of foreign military sales, the Department of State, in coordination with the Department of Defense, should provide the following Foreign Military Sales dollar amounts for the periods October 1, 1976, to January 19, 1977, and January 20, 1977 to September 30, 1977, respectively (in current dollars):

1. Foreign Military Sales agreements signed;
2. Letters of Offer and Acceptance extended, but not signed;
3. Letters of Offer and Acceptance pending (sales finally approved, but LOA not extended);
4. Letters of Offer and Acceptance projected, but not currently pending.

Also, on the basis of these figures, please provide a total dollar estimate of Foreign Military Sales agreements which will be signed in Fiscal Year 1977; i.e., the figure which will be reported in next year's Congressional Presentation Document.

A reply is requested by June 10, 1977.

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 2, Arms Sales: Dollar Volume/Ceiling: 4/77-8/78. Secret.



**273. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, June 21, 1977

**SUBJECT**

Lockheed's Request for Amendment to the International Traffic in Arms Regulations Concerning C-130 Aircraft

This memorandum requests your decision on a request by Lockheed that the C-130 military transport aircraft manufactured by that firm be removed from the category of "significant combat equipment" on the United States Munitions List. This administrative designation causes the C-130 to be within the definition of "major defense equipment" contained in the Arms Export Control Act. That Act prohibits commercial sales to non-NATO countries of major defense equipment under contracts of \$25 million or more, thus requiring that foreign sales of three or more C-130s be handled under the Foreign Military Sales (FMS) program. Lockheed complains that the FMS procedures are unduly protracted and that without commercial sales the production line may have to close before the company receives sufficient FMS orders to continue its operation. Also relevant, although not mentioned by Lockheed, is the Defense Department's estimate that Lockheed receives approximately \$500,000 more for a commercially sold C-130 than for one sold under FMS procedures.

*Background:*

Since January 1969, most major items on the Munitions List, including all listed military aircraft, have been designated as "significant combat equipment." The original consequence of designation as "significant combat equipment" was that an export license would not be given for commercial sale of a designated item unless the foreign purchaser had given the Department of State direct assurances against retransfer.

Last year, the significant combat equipment designation was given additional legal significance by being made a part of the definition of "major defense equipment" in the Arms Export Control Act. Munitions List articles which, like the C-130, fall within the definition of major defense equipment are subject to additional controls under the Arms Ex-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 6/77-4/79. No classification markings. In the upper right-hand corner of the first page of the memorandum, Carter wrote "To Cy. J."

port Control Act, including the limitation that export licenses may not be issued for commercial sales of \$25 million or more to non-NATO countries.

Significant combat equipment designation has also been proposed as a criterion for determining which arms sales proposals by U.S. firms will require prior State Department approval.

*Evaluation of Lockheed's Request:*

Our view, shared by the Department of Defense, is that Lockheed's problem is a temporary one and is not as grave as the company describes it. There is little effective competition for the C-130 and foreign demand for this versatile, reliable aircraft remains high. The Secretary of Defense met with the President of Lockheed-Georgia, Mr. Robert Ormsby, on June 16,<sup>2</sup> to discuss ways in which FMS procedures could be expedited and possibly inequitable features concerning cost reimbursements to the manufacturer could be improved. We understand that steps are being taken by the Department of Defense to offset some of the present slack and thus enable Lockheed to continue C-130 production, even though major foreign sales will have to be through FMS rather than commercial channels. Accordingly, a change in the International Traffic in Arms Regulations does not seem necessary.

If the regulations were changed as requested by Lockheed, we would doubtless receive many requests for equal treatment from other affected companies. Lockheed's argument that the C-130 is "nonlethal" would apply equally to many other items of significant combat equipment. With respect to military aircraft alone, we could expect requests for similar relief from the manufacturers of tanker aircraft, helicopters, trainers and military aircraft designed for surveillance, reconnaissance, mapping, etc.

While we have received a number of expressions of Congressional interest on Lockheed's behalf, we have not heard from those members of Congress who have no direct constituent interest in this matter, but who are advocates of arms transfer restraint and whose cooperation will be necessary for the successful implementation of your policy. Some of these members would probably be concerned with a decision that encouraged the use of the less stringently controlled commercial channels for sales of military aircraft.

In sum, we believe special relief for Lockheed is not warranted and would risk creating doubts in industry and Congress regarding the Administration's resolve to control and restrain arms transfers.

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<sup>2</sup> A record of this conversation has not been found.

*Options:*

You could direct amendment of the International Traffic in Arms Regulations, either by deleting the C-130 from the Munitions List or by deleting it from the definition of significant combat equipment. For the reasons set out above, I believe that neither action should be taken at this time and that we should, instead, seek to remove any legitimate complaints by Lockheed through improvements in FMS procedures.

*Recommendations:*

That you authorize the Department of State to inform Lockheed that the C-130 will continue to be designated as “significant combat equipment” and that we will seek to improve FMS procedures concerning its sale.<sup>3</sup>

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<sup>3</sup> Carter checked the “Approve” option, and wrote underneath “Cy—Let me know what specifically is done re FMS procedures. It seems to me that a non-weapon configuration would make it possible to sell C-130’s with minimum delay. It’s a good safety valve to retain friendly relations & not violate offensive weapons constraints. J.C.”

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## **274. Memorandum From the Director of Central Intelligence (Turner) to Secretary of Defense Brown<sup>1</sup>**

Washington, June 30, 1977

**SUBJECT**

Control of Incentives that Stimulate Arms Transfers

1. As requested in your memorandum of 9 June 1977,<sup>2</sup> I have undertaken the Presidentially-directed review of policies and procedures that may promote the sale of arms, insofar as these may relate to Central Intelligence Agency responsibilities and operations.

2. As a result of this review, I am satisfied that present Agency policies and procedures do not serve, directly or indirectly, to stimulate foreign requests for arms transfers. As you know, under present rules,

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 78, Arms Transfer/FMS Policy, 1977. Secret. A stamped notation at the top reads “SEC DEF HAS SEEN, 1 JUL 1977.” In the upper right-hand corner, Brown wrote “7/1 ASD (ISA)—all agencies are providing self-serving disclaimer, and many of them may well be correct. Are we in DOD the only [illegible]? I doubt it. (State for example is worse). HB.”

<sup>2</sup> Not found.

before the Agency could become involved in any paramilitary or intelligence support programs, such programs would have to be submitted to the NSC/SCC for review and to the President for decision. To the extent such programs might encompass transfers of military or military-related equipment, the Agency's procedures would not, in any event, involve sales promotional activities, incentives to defense contractors to promote sales, or other practices that might stimulate foreign requests for arms transfers.

3. I understand that a joint State-Defense cable is being drafted to provide new policy guidelines on this subject to US foreign service posts in the field. I propose to send a similar cable through Agency channels to assure that our field personnel are fully aware of the new policy thrust.

**Stansfield Turner**

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**275. Memorandum From Secretary of State Vance to  
President Carter<sup>1</sup>**

Washington, July 21, 1977

SUBJECT

Foreign Military Sales Procedures Regarding C-130 Aircraft

When you approved my recommendation of June 21<sup>2</sup> to continue designation of the Lockheed C-130 military transport aircraft as "significant combat equipment", you also asked me to inform you what had been done to improve Foreign Military Sales (FMS) procedures as they relate to the sale of these aircraft. You also inquired whether a non-weapon configuration would make it possible to sell these aircraft with minimum delay.

The C-130 is basically a military transport aircraft. It is not normally equipped with weapons, and has been sold to many countries. Thus far you have approved the sale of C-130s without armament configuration to Sudan, the Philippines, Korea, Bolivia and Zaire. The C-130 may be sold commercially if the total value of the sale is less than \$25 million. Since three C-130s and related equipment cost more than

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 6-12/77. Confidential.

<sup>2</sup> See Document 273.

this, commercial sales are effectively restricted to no more than two aircraft. Lockheed also makes a civilian model of the C-130 (the L-100 series) which does not meet some of the military specifications. In any event, most governments appear to prefer to purchase the military model on a government-to-government basis under FMS procedures.

The time required to process the government-to-government sale of a C-130 is divided as follows: 1) USG approval process (i.e., from receipt of a country request to purchase through completion of the statutory Congressional notification) and 2) the subsequent contracting process (time required for negotiation and signature of a contract with Lockheed) after the Congressional review period is completed.

Some delay in the USG approval process is attributable to the present requirement that, with the exception of NATO countries, Australia, New Zealand and Japan, we are required to send all proposed C-130 sales which require Congressional notification to you for approval. In order to save processing time, I recommend that you authorize me to approve sales of non-weapon configured C-130 aircraft worldwide, and refer to you only those proposed sales which clearly involve sensitive political aspects—e.g., for countries like Egypt.

With regard to the time involved in the contracting process, the Department of Defense informs me that in the past protracted negotiations between the U.S. Air Force and Lockheed appear to have been caused by Lockheed attempting to obtain the most favorable price in the knowledge that a government-to-government agreement had already been reached for a sale. The Department of Defense claims to have largely resolved with Lockheed the matter of delays in contract pricing by taking actions to enable Lockheed to continue its C-130 production line without interruption. Specifically, once a sale has received the required Executive and Congressional approvals, DOD now enters into letter contracts which permit Lockheed to proceed with production pending negotiation of a definitized contract. The Department of Defense informs me that it is also working more closely with Lockheed to avoid a production gap in the C-130 line due to crew training problems or delays in providing support equipment from US Government sources. We hope these actions will result in the contracting for sale of C-130 aircraft in a time span consistent with both the US and the contractor's interests.

*Recommendation:*

That you authorize me to approve the sale worldwide of non-weapon configured C-130 aircraft, including notifications to Congress.<sup>3</sup>

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<sup>3</sup> Carter checked the "Disapprove" option and underneath wrote "Send to me for immediate approval—minimize delays—Indicate time required for each transaction. J.C."

## 276. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, July 30, 1977

### SUBJECT

Foreign Military Sales Procedures Regarding C-130 Aircraft

The memorandum from Secretary Vance (Tab A)<sup>2</sup> recommends that you authorize the Secretary of State to approve world-wide sales of nonweapon configured C-130 aircraft in order to reduce the time required to process government-to-government sales. As indicated below, I believe delays can be reduced without delegating approval authority.

On June 28, you delegated approval authority for conventional arms transfers requiring Congressional notification *only* to NATO, Australia, New Zealand and Japan.<sup>3</sup> The delegation of authority was limited to the countries exempted from most of the PD/NSC-13 controls,<sup>4</sup> including the FY '78 dollar volume control, so that the bureaucracy would face the tough trade-offs which have to be made knowing that their recommendations will be personally reviewed by the President. It would be an unfortunate bureaucratic signal to change that decision so soon.

The argument that delegating the approval authority would save time is not persuasive. The vast majority of the time is consumed in coordination within the Departments of State and Defense. Therefore, *I recommend that you continue to approve cases which go to Congress, but that requests to purchase C-130s (and other major systems) be forwarded to you for a decision as soon as the required staffing and coordination are completed.* The current practice is to hold requests until a sufficient number have accumulated to assemble a decision package.

### RECOMMENDATION

That you continue to approve sales of C-130 aircraft which go to Congress except to NATO, Australia, New Zealand and Japan as previ-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 6-12/77. Confidential. Sent for action.

<sup>2</sup> See Document 275.

<sup>3</sup> Carter's decision is recorded in a memorandum from Brzezinski to Vance, June 28; Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 6-12/77.

<sup>4</sup> See Document 271.

ously delegated. Cases will be forwarded to you as soon as they are ready for a decision.

APPROVE \_\_\_\_\_<sup>5</sup>      DISAPPROVE \_\_\_\_\_      OTHER \_\_\_\_\_

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<sup>5</sup> Carter checked the “Approve” option and underneath wrote “JC.”

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**277. Memorandum From the President’s Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance and Secretary of Defense Brown<sup>1</sup>**

Washington, September 8, 1977

SUBJECT

Arms Sales Totals

In response to a May 27<sup>2</sup> request from the President, you reported on June 13,<sup>3</sup> a best estimate of the total dollar volume of FMS agreements for fiscal year 1977 of \$9.9 billion. This estimate included \$1.2 billion for the AWACS sale to Iran. I now understand that current staff estimates of the total for this year are \$9.9 billion *not including* AWACS. Thus the estimate appears to have changed by more than one billion dollars in the past three months. In order to allow the President to consider the proper disposition of the AWACS sale, please provide by COB tomorrow, Friday, September 9, your best current estimate of the dollar total for FY '77.

In making decisions on the timing and content of arms sales packages under the ceiling imposed by PD-13, it is essential for the President to have accurate and timely estimates of the dollars volumes that have been and are likely to be committed in any given year. Therefore on September 30, and monthly thereafter, you should provide a report containing the following:

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 2, Arms Sales: Dollar Volume/Ceiling: 4/77–8/78. Confidential.

<sup>2</sup> See Document 272.

<sup>3</sup> Not found.

—The cumulative total of FMS agreements signed since the beginning of the current fiscal year, including a country-by-country listing of the totals for each of the ten largest recipients in that year.

—A detailed listing and dollar total of letters of offer and acceptance extended, but not signed.

—The same for sales that have been approved by the President (or the Secretary of State) but not yet approved by Congress.

—The same for requests for letters of offer and acceptance in the clearance process within the bureaucracy including date of receipt.

—The same for serious indications of interest from foreign governments for which we have not yet received a formal request.

In each category, totals should be broken down for exempted and non-exempted countries.

**Zbigniew Brzezinski**

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## 278. Memorandum of Conversation<sup>1</sup>

Washington, October 17, 1977, 4:00–6:15 p.m.

### SUBJECT

Arms Control Issues: SALT, ASAT, Conventional Arms No. II of IV

### PARTICIPANTS

US

The Secretary  
Marshall D. Shulman

USSR

Ambassador Anatoliy F. Dobrynin

Dobrynin came in Monday afternoon, October 17, at the Secretary's request. The meeting lasted from 4:00 to approximately 6:15.

[Omitted here is discussion unrelated to conventional arms transfers.]

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<sup>1</sup> Source: RG 59, Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Nodis Memcons 1977. Secret; Nodis. Drafted by Shulman; and approved by David Anderson (S/S) on October 31. The meeting took place in the Department of State. The conversation is published in full as Document 53 in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union. Vance informed the Embassy in Moscow about Dobrynin's visit in Telegram 251209 to Moscow, October 19; National Archives, RG 59, Central Foreign Policy File, P840076–0427.



3. *Conventional Arms Transfers and Sales*—The Secretary noted that Gelb had raised this point with Bessmertnykh<sup>2</sup> and that Bessmertnykh had said that it might be a long time before a reply was received from Moscow. The Secretary said the President attaches considerable importance to this subject and urged Dobrynin to do everything possible to speed up a reply.<sup>3</sup> Dobrynin replied that he would do so, but he went on to say, in what he described as an unofficial reaction, that the US was selling more and more arms around the world, including to some of the neighbors of the Soviet Union. In this connection, he cited sales to Iran. He noted the Administration's declared intent to reduce arms sales and asked why the US had been speeding up the process. The Secretary said that many items had been in the pipeline, but an effort was being made to hold sales and transfers down. This was reflected in the fact that the total would come to about \$9.8 billion this year, instead of the \$11 billion originally projected. This includes some very expensive items, such as AWACS. There would be further reductions next year, he said. Dobrynin asked why not show some restraint as a good will gesture. The Secretary replied that restraint was being shown and that AWACS, for example, had a purely defensive function.

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<sup>2</sup> Not found.

<sup>3</sup> In a September 23 meeting with Gromyko, Carter "expressed his concern over continuing arms sales around the world, and noted that in this respect we were guilty of excess to some extent, as was the Soviet Union. We were eager to cooperate with the Soviet Union on this subject and prepared to do so in the UNGA session." Gromyko replied that "both sides had sinned in this respect." (Memorandum of Conversation, September 23; Carter Library, National Security Affairs, Brzezinski Materials, Subject File, Box 35, Memcons: President, 9/19–9/30/77)

**279. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance and Secretary of Defense Brown<sup>1</sup>**

Washington, November 8, 1977

SUBJECT

Managing the Arms Transfer Program in FY 1978

Because of the President's commitment to curtail U.S. arms transfers in FY 1978 by reducing new agreements from the total in FY 1977, and in order to make those transfers which are in the national interest expeditiously and efficiently, the Secretary of State should coordinate the development of options for consideration by the PRC before January 31, 1978 on the management of the FY 1978 Arms Transfer Program. In preparation, the Secretary of State in close coordination with the Secretary of Defense should undertake the following steps on an urgent basis:

1. To assist in identifying existing commitments, prepare a summary of outstanding arms sales commitments from previous years including: Letters of Offer and Acceptance extended but not signed; proposed sales which have completed Congressional review; and proposed sales which are in advanced stages of processing within the Executive Branch.

2. To assist in forecasting FY 1978 support sales, prepare summary data relating to follow-on support sales made annually since FY 1973, including ammunition, logistics, and technical assistance.

3. To provide the information required to control future sales, develop a new management information system for arms transfers including at a minimum the following characteristics:

- As near as possible to *real-time recording* of the dollar values of signed Letters of Offer; but in no case should the delay be longer than five days.
- *Priority tracking*, manual if necessary, of large sales (in excess of \$100 million).
- The use of *parametric statistical techniques* to forecast aggregate totals of smaller sales *establishing explicit confidence intervals*.
- The necessary *precision* to respond to monthly reporting requirements during the second half of each fiscal year with accuracies better than plus or minus five percent.

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<sup>1</sup> Source: Department of State, RG 59, Office of the Deputy Secretary: Records of Warren Christopher, 1977-1980, Lot 81D113, Withdrawn Items, Box 7, Arms Transfers. Confidential.

- The inclusion of *scope changes to Letters of Offer* as an explicit element of Executive Branch reporting on arms transfers. Henceforth, scope changes should be counted in the fiscal year in which they occur and be included in all estimates of arms transfer totals.

4. To allow a preliminary allocation of the dollars available under the ceiling, prepare options taking into account: Letters of Offer already extended; follow-on support sales; sales to which the United States has a political commitment; and, sales of high priority to recipient nations.

**Zbigniew Brzezinski**

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**280. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance, Secretary of Defense Brown, the Director of the Arms Control and Disarmament Agency (Warnke), the Chairman of the Joint Chiefs of Staff (Jones), and the Director of Central Intelligence (Turner)<sup>1</sup>**

Washington, November 10, 1977

SUBJECT

U.S. Arms Transfer Policy Implementation

In the interest of relating the goals and guidelines of PD-13<sup>2</sup> to our relationships with key countries and within key regions, the Secretary of State should coordinate the preparation of interagency arms transfers studies on Africa, Latin America, Iran, Saudi Arabia, and the smaller states of the Persian Gulf. These studies should consider the purposes and the possible consequences of transferring arms and other military equipment of varying categories and levels of sophistication to these particular countries and regions.

The studies should pose options for PRC consideration and subsequent Presidential decision regarding both our general arms transfer posture toward these countries and regions and, to the degree possible, our disposition concerning major outstanding or anticipated requests.

Comparable interagency studies regarding other regions or major countries should also be undertaken as determined by the Secretary of State.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 4, Arms Transfers: Policy (General): 6/77-4/79. Confidential.

<sup>2</sup> See Document 271.

PRC consideration of each of the five studies mentioned above should take place before January 1, 1978.

**Zbigniew Brzezinski**

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## **281. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>**

Washington, December 9, 1977, 9:30–11:00 a.m.

### **SUBJECT**

US–USSR Conventional Arms Transfer Talks

### **PARTICIPANTS**

#### *State*

Dep Sec Warren Christopher

Mr. Leslie Gelb (Director, Bureau of Politico-Military Affairs)

Mr. William Luers (Dep Asst Sec for European Affairs)

#### *Defense*

Mr. Walter Slocombe (Prin Dep Asst Sec for International Security Affairs)

#### *JCS*

Adm Patrick Hannifin (Director, JCS)

#### *CIA*

Adm Stansfield Turner

Mr. George Allen (National Intelligence Officer for Special Studies)

#### *ACDA*

Mr. Spurgeon Keeny (Acting Director)

Mr. George Allen (Asst Director)

#### *White House*

Mr. David Aaron (Dep Asst to the President for National Security Affairs)

#### *NSC*

Reginald Bartholomew

Jessica Tuchman

Leslie Denend

The SCC met to review the proposed strategy for talks with the Soviets scheduled to begin on December 14. Issues and conclusions that were reached follow:

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 90, SCC 044, Arms Transfer Policy: US/USSR: 12/9/77. Secret. The meeting took place in the White House Situation Room.

### *1. The Context: Our Overall Restraint Strategy*

The US is pursuing talks in three interdependent forums: US-European; US-USSR; and, US-recipient. We have met with the European suppliers. They were cautious and skeptical. Their economic health depends to some extent on their arms industries, and particularly, on arms exports. They consider Soviet cooperation essential. In our first meeting with the Soviets, we intend to stress the mutual interest we share in arms transfer restraint including: better bilateral relations, a reduction in the likelihood of US-USSR confrontations, and a lessening of international tensions. At the UN Special Session on Disarmament next spring, we will sound-out recipient country concerns regarding arms transfer restraint and present the US case.

### *2. US Leverage and Soviet Reactions*

Because Soviet continued participation is critical to our multilateral efforts, we must succeed in these talks in getting agreement for a second meeting. We will emphasize the difficulty of sustaining our unilateral restraint for very long if multilateral progress cannot be demonstrated. There is also the implicit threat of publicly casting the Soviets in an unfavorable light on an important disarmament issue should they refuse to continue the talks. We can expect the Soviets to remain cautious and, as they stated, respond to specific US proposals. We are moderately hopeful that they will at least agree to a second round of talks.

### *3. Substance of the US Strategy for These Talks*

There was agreement that this first round should be exploratory and conducted for the most part on an illustrative basis. In reviewing our restraint policy as well as the guidelines discussed with the Europeans, we would present these as approaches for a discussion of possible ways to achieve multilateral cooperation. It is important during this early stage of talks which we believe will be lengthy and complex, not to raise fears among recipients of a US-USSR condominium.

Regarding the possibility of proposing specific regions of the world for supplier restraint, we will raise the issue of regions to define the problem of arms competition, and suggest that different cooperative agreements might well be required in different regions; however, we will *not* identify specific regions as candidates for supplier restraint.

Regarding the suggestion of specific weapons systems such as surface-to-surface missiles (SSMs) and man-portable air defense systems (MANPADS), we will take the view that outside of NATO and the major states involved in the East-West confrontation, there are areas where these types of weapons, because of their destructive power or susceptibility to terrorist diversion, should not be transferred. We

will emphasize our mutual interest in restraining these kinds of arms transfers. While not amounting to a formal US proposal, these issues will be raised explicitly enough to give the Soviets something to think about and to respond to.

4. [1 paragraph (11 lines) not declassified]

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## 282. Telegram From the Department of State to the Liaison Office in Peking<sup>1</sup>

Washington, December 9, 1977, 2330Z

294655. Subject: Briefing the PRC on U.S.-Soviet Talks on Conventional Arms Transfers.

1. U.S. and Soviet officials will meet in Washington on December 14 to discuss prospects for cooperation in limiting conventional arms transfers. The U.S. side will be represented by PM Director, Leslie Gelb, and the Soviet side by Ambassador Khlestov, Chief of MFA's Treaty and Legal Department. Talks will be taking place at U.S. initiative and are motivated by our concern that U.S. efforts to limit arms transfers abroad will be undercut unless the USSR and other major international suppliers also agree to restrain their transfers. The Soviets appear to appreciate that this question has a bearing on U.S.-Soviet relations, but they are approaching the subject with great caution and we cannot predict whether they can be drawn into a constructive dialogue.

2. Given the PRC's suspicions that the U.S. is all too prone to deal with the USSR, at the expense of others, we think it important to give the Chinese advance notice of the talks and their purpose. In particular, we wish to stress that the talks are an obvious corollary to our own arms transfer policy and, if successful, would limit the potential for Soviet opportunism. In addition, we want to make clear that the talks with the Soviets, and possibly with other powers, will not be used to pressure the PRC to join an international arms control regime. Obviously, we would welcome Chinese cooperation, but we do not expect it at this stage.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P850056-1764. Secret; Priority; Nodis. Sent for information Priority to the White House. Drafted by William Gleysteen (EA); cleared by Harry Thayer (EA/PRCM), Alan Romberg (S/P), Priscilla Clapp (PM), Shulman (S/MS), William Luers (EUR), and Lowell Fleischer (S/S-O); and approved by Richard Holbrooke (EA).

3. Accordingly, USLO should approach the Foreign Ministry at an appropriate level to make the following points, stressing that we do not intend any publicity or widespread briefings of other countries:

(A) U.S. and USSR will shortly begin talks in Washington at the assistant secretary-level to determine whether there is any prospect of complementing U.S. arms transfer guidelines by similar restraints on the part of other international arms suppliers.

(B) The talks are taking place at U.S. initiative, and the U.S. does not know whether there is any prospect for Soviet cooperation. The U.S. will stress, however, that there are limits on our willingness to take unilateral measures.

(C) If successful, such talks could enhance our prospects for international restraints on arms transfers, thereby reducing the potential for Soviet opportunism.

(D) Obviously, we would welcome Chinese cooperation in this field, but our talks are not conditioned on this. If the Soviets seek to tie any agreement to Chinese cooperation, we will reject such an effort as inappropriate.

(E) We will keep the PRC informed of any significant progress in the talks.

**Christopher**

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### **283. Telegram From the Embassy in the Soviet Union to the Department of State<sup>1</sup>**

Moscow, December 13, 1977, 1030Z

17935. Subject: Soviet Attitudes on Conventional Arms Transfer Controls. Ref: State 293007.<sup>2</sup>

#### **Summary and Introduction**

The Embassy's assessment of Soviet attitudes towards the Conventional Arms Transfers (CAT) talks is that the Russians will initially play a conservative, waiting game. We base this assessment on our evaluation of a variety of factors which we believe contribute to (A) an inhibition on the part of the Soviets to change their current policies in this area and (B) a desire to explore and assess parameters of U.S. intentions

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770463–0539. Confidential; Immediate.

<sup>2</sup> On December 8, the Department of State had asked for the Embassy's "assessment as to likely tactics Soviet Delegation" to the CAT talks. (Telegram 293007 to Moscow, December 8; National Archives, RG 59, Central Foreign Policy File, D770456–1169)

on CAT. As they have told us on several occasions, their line is that arms transfers result from the political situation in a given area and that political solutions to existing differences must first be devised before realistic programs designed to control arms transfers can be implemented. In one sense this "policy" amounts to avoiding a CAT control policy. Nevertheless, it does not represent a totally negative attitude toward all aspects of arms transfers controls and thus permits the Soviets to take positive, if selective, stands towards such controls should they choose to do so. We feel that the Soviets will speak favorably, but not very concretely, about the possibilities for CAT controls in this first round of what they undoubtedly believe will be a long series of negotiations. End summary and introduction.

1. Factors inhibiting change: for the Soviets there are several factors which will incline them toward great caution in the CAT talks. Among these are:

—Oft repeated Soviet "principled" commitment to promote the cause of revolutionary liberation movements and "progressive" states in the third world. In these areas, the Soviets rely proportionately more than the U.S. on arms transfers to establish influence. Unlike the West, the Soviets generally lack the capability to significantly project their influence through financial, commercial and cultural means, particularly in comparison with the U.S. The Soviets may therefore feel they have proportionately more to lose in terms of influence if there is a mutual reduction in arms transfers.

—Soviets would be concerned about the Chinese (A) filling the vacuum produced by Soviet reduction in arms transfers to national liberation movements or "progressive" states; (B) denouncing the Soviets for working with U.S. to seek "super power hegemony."

—The transfer of Soviet weaponry, even though individual items are sometimes discounted (e.g., to Peru) or even free (e.g., to Cuba), is a reliable means of acquiring substantial foreign exchange. To the extent that Soviet oil exports may decline, the sale of weaponry would assume a larger importance in this regard.

—Moscow may suspect that the U.S. will be primarily interested in attempting to concentrate arms transfer limitations on those very hot spots that the Soviets find the most tempting, i.e., the Middle East and the Horn of Africa.

2. Factors arguing for controls: we would list the following:

—The failure of past enormous cumulative outlays of military assistance to third world countries (e.g., Indonesia, Egypt, Somalia) to provide important and lasting political returns cannot but have had an impact on the Soviet leadership. This factor alone must have contributed to the Soviet decision to participate in exploratory talks with the U.S. Soviet concerns influencing caution or reluctance listed para 2 will, however, need to be satisfied somewhat if talks are to reach tangible levels of progress.



—Soviet concern that unchecked arms transfers will in the long run contribute to the modernization of the armed forces of a potentially dangerous (and eventually menacing) adversary: China.

3. Prospects for the current talks: We believe the Soviets will approach the current talks with the utmost caution, much in the manner in which they have examined other arms control proposals which impact on central political-military policies and activities, e.g., CTB and SALT. These talks will, therefore, be more difficult for the Soviets than those which have only a peripheral impact on foreign policy, e.g. chemical weapons, Indian Ocean, ENMOD. This caution will be further reinforced by the fact that the Soviets, to the best of our knowledge, have not yet developed a cohesive public policy with respect to arms transfers. Our attempts to draw MFA officials and USA institute staffers into detailed discussions of possible arms transfers controls have been unsuccessful. Over the past eight months (since the March proposal for a working group on this subject),<sup>3</sup> we have elicited nothing more from our Soviet interlocutors than a restatement of the Soviet policy as outlined in the first paragraph above and the comment that, since these talks are at U.S. initiative, it is up to the U.S. to take the first step. Moreover, recent indirect contacts with relevant Soviet officials have failed to produce any signs of a new policy consensus. Although Soviets will be primarily interested in exploring U.S. intentions in the talks, they will not want to be put in a tactical disadvantage of simply discussing U.S. proposals. Instead, they will probably attempt to move the discussions along lines more favorable to them without clearly indicating their objectives in the CAT area. They may repeat the few consistent Soviet reactions which we have heard on this subject:

—A critical review of the volume and character of U.S. arms sales and transfers;

—A charge that U.S. practices set the tone and provide the momentum for world-wide conventional arms transfers;

—a criticism of the role played by U.S. allies in supplementing U.S. transfers. (We should of course be aware of the arms transfer role of such Soviet surrogates as the GDR and Czechoslovakia.)

5. It is possible that the Soviets may attempt to move the conversations towards discussions focusing on initial measures which would impact much more severely on the U.S. and its allies. An example of this might be some type of recommendation that would limit transfers of arms to Latin America (less Cuba) or to China. Or Soviets could sug-

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<sup>3</sup> During a March 29 press conference in Moscow, Vance said that he and Gromyko had agreed to set up bilateral working groups to discuss numerous issues, including conventional arms transfers. The text of the press conference is in telegram 3034 from the Secretary's Delegation in Moscow, March 29; National Archives, RG 59, Central Foreign Policy File, D770108-0039.

gest that limitations apply only to highly sophisticated weapons which they tend not to supply in any case. The Soviets may be willing to take the plunge and suggest a discussion of arms limitations in the Persian Gulf region. They have often, privately and publicly, expressed their serious concern over U.S. arms sales to Iran and Saudi Arabia (while ignoring, of course, their own sales to Iran, Iraq—and now Kuwait). The Gulf is intimately linked to the M.E., a region which the Soviets would be most wary of discussing. But they may feel that, on balance, any process which could lead to controls on U.S. sales to Iran and Saudi Arabia would be manageable in terms of their own relationship to Iraq.

6. The Middle East is, clearly, a special case. Soviet M.E. policy has been built around the goal of limiting the U.S. military presence and influence in this region, which lies on the Southern borders of the Soviet Union, of developing a buffer zone of countries well disposed toward the Soviet Union, and—at least in the short run—of increasing Soviet political and military influence in the region. Due to the importance of Moscow's arms supply to the Arabs in implementing Soviet policy in this region, we believe it is unlikely that Moscow would be interested in any serious limitation on their own arms transfers to the M.E., tempting as the prospect of U.S. limitations might be.

7. There might, however, be a possibility of making formal the de facto qualitative self-limitation which the two super powers already practice in the region. Contributing to this possibility is the fact that formerly greedy customers such as Egypt, Sudan, Somalia and, probably Jordan, no longer will feed at the Soviet trough. Also, arms shipped to Libya and other radicals may now constitute a surfeit and therefore the Soviets may be less reluctant to see some limitations. In this connection we recall the comment made by Brezhnev in his March 21, 1977 TUC speech, to wit:

"We already said that in connection with a peace settlement in the Middle East the relevant states could study the question of facilitating an ending of the arms race in that area. In general, the problem of international arms trade seems to merit an exchange of views."

Brezhnev's choice of words seemed to leave open the possibility of engaging in M.E. arms limitation talks prior to the actual achievements of a comprehensive M.E. peace settlement. Even if our hypothesis is valid, however, Moscow would almost certainly link such talks to simultaneous, serious negotiations on M.E. peace in the Geneva context. Since the Soviet interpretation of the Cairo meeting<sup>4</sup> is that the pros-

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<sup>4</sup> Reference is to a meeting originally scheduled for December 3 in Cairo that had been postponed at the Carter administration's request. For more on this subject, see *Foreign Relations, 1977-1980*, vol. VIII, Arab-Israeli Dispute, January 1977-August 1978, Document 161.

pects for Geneva have been seriously set back, we doubt that Brezhnev's words will be given this favorable interpretation by the Soviet CAT Delegation now.

8. The fact that Ambassador Khlestov will be leading the Soviet team does not seem to us to indicate either rapid or dramatic movement by the Soviets towards presenting a detailed, specific draft declaration or other substantive proposal. Khlestov, while affable, able, patient (witness his years in MBFR), is a mechanic, not a policy innovator. He and his advisors will, we believe, be more interested in determining the U.S. position and in establishing a positive Soviet posture towards arms transfers controls without specifically committing themselves to practical actions. Since, as we pointed out above, we believe the Soviets will look upon these talks as almost as important to their current policies as CTB and SALT, we think that they will prefer to wait for subsequent rounds before making any major moves.

**Toon**

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**284. Telegram From the Department of State to the Mission to the North Atlantic Treaty Organization and the Embassies in Belgium, Canada, Denmark, Greece, Iceland, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and Italy<sup>1</sup>**

Washington, December 28, 1977, 2328Z

308915. Subject: U.S.-Soviet Talks on Conventional Arms Transfer Issues. Ref: State.

1. The U.S. and the USSR held discussions in Washington, December 14–19 on conventional arms transfer issues.
2. FYI: FRG, UK and French Ambassadors were debriefed in Department by PM Director Gelb.
3. For NATO: For use as appropriate.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780001–0958. Secret; Exdis. Drafted by Robert Mantel (PM/SS); cleared by Thomas Gorman (DOD/ISA), Barry Blechman (ACDA), Jerome Kahan (PM), and Lowell Fleischer (S/S–O); and approved by William Luers (EUR). Sent for information to Paris, London, Bonn, and Moscow. A day later, the Embassy in Moscow relayed its “deep concern and dismay over receipt of belated and relatively uninformative report” on the CAT talks. (Telegram 18660 from Moscow, December 29; National Archives, RG 59, Central Foreign Policy File, D780001–0599)

4. For capitals: You should seek appointment at appropriate level to provide a general debrief on the talks. You should take any detailed questions and forward them to Department. Talking points follow:

—The U.S. and the USSR held preliminary discussions in Washington from December 14–19 on the limitation of conventional arms transfers; the Soviets preferred to refer to these discussions as “preliminary” rather than the first meeting of a U.S.-Soviet working group on this subject. We had no objection to this.

—The talks were part of our efforts to move forward toward the President’s objective of reducing the volume and sophistication of conventional arms transfers. This requires the cooperation of other suppliers and recipients.

—Because the U.S. and the USSR are the two largest suppliers of arms to the third world, it is important that the two countries begin to discuss this issue.

—The discussions were exploratory and general in nature. We did not seek to reach any agreements.

—The U.S. explained its arms transfer policy at length and identified what we believe to be common concerns of the two countries. We pointed out potential dangers that could result from unrestrained transfers.

—In explaining our policy, we discussed the guidelines that the U.S. is following, including the following which could form the basis for a mutual approach:

—No first introduction of advanced equipment that would significantly increase the combat capability in a region;

—Restraints on transfers of certain weapons which are particularly susceptible to misuse by terrorists;

—Restraints on co-production agreements of advanced systems; and

—Controls on third party transfers.

—The U.S. acknowledged that this is a complex and difficult subject, and that meaningful progress will take time.

—The U.S. noted that neither we nor the Soviets should be expected to disadvantage our respective friends and allies or to jeopardize our national security interests. “Legitimate” security needs of buyers should be met.

—The Soviets asked many questions about U.S. policy and our approach to the issues of restraint.

—The U.S. indicated that we thought the most useful approach was to discuss possible harmonization of national guidelines (the London-Nuclear Suppliers Group Approach) rather than to seek quantitative limitations, even though we, for our own purposes, had adopted a ceiling.

—The Soviets approached the talks with some skepticism; nevertheless, they agreed to assess the results of the Washington talks and to consult with U.S. as to the next meeting.

—We are optimistic that we can develop an ongoing dialogue that may enable us, over time, to convince them that cooperative approaches toward restraint objectives are in their interest as well as our own.

—The U.S. clearly noted that our ability to sustain our own policy of restraint was dependent, in part, on achieving the cooperation of other suppliers and recipients.

5. In view of sensitivity of these talks, please request that confidentiality be protected.

Vance

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**285. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>**

Washington, December 30, 1977, 2128Z

310500. For Ambassador from Gelb; White House for Brzezinski. Subj: “Non-Paper” on US-Soviet Conventional Arms Transfer Talks.

1. Ambassador should seek appointment with Khlestov and transmit to him personally, on behalf of Gelb, text of “Non-Paper” that summarizes US presentation to Soviets during talks.

2. Purpose of “Non-Paper” is to provide on an unofficial but written basis central thrust of US presentation.

3. Begin text:

**US-SOVIET CONSULTATIONS ON LIMITATION OF THE  
INTERNATIONAL ARMS TRADE**

The United States believes that the preliminary meeting on this subject, held in Washington on December 14 through 19, 1977, was an important and useful step toward improving our mutual understanding of this complex topic.

**MUTUAL INTERESTS**

The US and USSR have many parallel if not common interests in restraining conventional arms transfers. The US has taken the first steps toward this objective by adopting a policy of restraint in its own arms sales. This effort has the active support of President Carter. Measures taken to implement this new policy of restraint were described by the US representatives at the December meeting.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840081–2373. Secret; Nodis. Sent for information to the White House. Drafted by Robert Mantel (PM/SSP); cleared by Gary Matthews (EUR/SOV) and John Thyden (S/S); and approved by Gelb.

As a practical matter, however, the US ability to sustain its restraint policy depends, in part, on the demonstration of progress toward restraint by other suppliers, including the USSR. Without international cooperation, the prospects for continuing US restraint are uncertain.

The United States believes that US-Soviet cooperation in restraining arms transfers is as important as the most important other items on our arms control agenda; further, that talks on controlling the arms trade fall within the spirit and context of the mutual obligations we assumed when our two countries signed, at the highest level, the "Basic Principles of Relations between the US and the USSR," on May 29, 1972.<sup>2</sup>

Our common interest in restraining arms transfers has been demonstrated in the past when situations developed in which our respective supply of arms to opposing sides in local conflicts led to tensions in our own relations, and adversely influenced the political climate for progress in other arms control negotiations. Other important common stakes in arms transfer restraint include:

- Prevention and/or limitation of regional conflicts: unrestricted arms transfers could help spark dangerous and destabilizing local conflicts, perhaps drawing US inadvertently into unwanted and dangerous confrontations.

- Assisting efforts to stem nuclear proliferation: unrestrained transfers of conventional military technology might gradually undermine our cooperative efforts to stem nuclear proliferation, through states opting for nuclear weapons to offset changes in local balances of conventional military forces resulting from arms transfers.

- Avoiding manipulation by recipients: the US and USSR should aim to avoid situations in which recipients of our arms might be tempted to play us off against one another.

- Reducing supplier uncertainties: future policies of our arms recipients are not predictable, arms supply relationships often prove to be of only limited political value.

- Reducing costly and unnecessary weapon acquisitions: the US and USSR should encourage the use of scarce financial resources in the third world for more constructive purposes than arms acquisitions.

- Encouraging other suppliers to restrain arms exports: any US-Soviet understandings on restraint cannot be fully effective without parallel action by other suppliers. Yet, as the two largest suppliers, our cooperation is necessary as an example to others.

## MUTUAL APPROACHES TO RESTRAINT

The United States believes that common acceptance of the following criteria would constitute a first step toward cooperation:

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<sup>2</sup> For the complete text of the Joint Declaration see Department of State *Bulletin*, pp. 899–902.

- There should be no advantage for any supplier;
- The fulfillment of recipients' legitimate security requirements must not be jeopardized;
- Any steps toward cooperation must be flexible, and reflect both our common concerns and respective national security requirements.

The London Nuclear Suppliers' Group may be a relevant precedent. There, the emergence of harmonized national guidelines was the most useful result. We could strive for similar harmonization in arms transfer restraint.

Possible forms which such restraint guidelines might take include:

—Advanced systems restraint: introduction of advanced weapon systems into a region where they have not previously been deployed could endanger peace and stability by creating a significantly higher combat capability in the area. Guidelines could be discussed concerning the definition of "advanced systems" in specific regions of the world.

—Limitations on selected weapons: certain categories of weapons, for a variety of reasons, are almost always inherently destabilizing, and susceptible to misuse by criminals and terrorists. Discussions of guidelines which would limit the spread of such weapons appears to be in our mutual interest. Man-portable air defense systems are illustrative of the type of weapons system that might be limited.

—Co-production restrictions: both the US and USSR have entered into agreements with third countries for the co-production or licensed production of some important weapon systems. Problems which arise in connection with co-production include the transfer of important technology to the co-producer and the possible export by the co-producer of surplus production. Consideration might be given to guidelines which would call for foregoing co-production arrangements with developing countries for significant weapons or components of major weapons.

—Retransfer controls: as with nuclear proliferation, failure to adopt tight retransfer controls could lead to circumvention of arms restraint, thereby undermining Soviet-American interest in avoiding the dangers and destabilizing consequences of particular arms transfers. It may be in both our interest to assure that weapons either of us might supply not be retransferred without our approval.

## CEILINGS

Although the US would not totally rule out any approach at this point, it is not our intention to seek agreement on the total amount of arms each country should sell. The different requirements of friends and allies of each supplier would make negotiation of overall ceilings extremely difficult. In our view, the development of common restraint guidelines for certain kinds of weapons and regions would have a more direct impact in reducing the risk of regional conflict and the danger of US-Soviet confrontation.

## SPECIAL SESSION ON DISARMAMENT (SSOD)

Our governments have a common interest in the conventional arms transfer issue at the SSOD because of our responsibilities as major

suppliers and our need to respond credibly to critics about our intention to restrain arms transfers. Although the problem can not be solved by any single state or group of states, it might be useful for the US and USSR to consider consultations with regard to this issue prior to the SSOD.

#### NEED FOR ONGOING CONSULTATIONS

The great number of mutual interests and problems involved in the arms transfer restraint issue strongly suggest the need for ongoing Soviet-American consultations.

Further talks would present an opportunity for both sides to discuss possible policy guidelines and specific restraint measures in greater detail. We also anticipate the Soviet Union may wish to discuss further its policies and practices during future sessions. Finally, a continuation of this dialogue will provide US with the opportunity to talk about transfers contemplated by either side which might be subject to misinterpretation by the other side.

The problem of how to accommodate the legitimate defense needs of recipients while involving them in the restraint process is also one which we have not fully addressed. One way to involve recipients might be through regional approaches to restraint. Additional consultations on this issue would be particularly useful in preparation for the SSOD.

In summary, the United States believes that future talks on these questions are very important and would help to make clear our mutual stakes in cooperation to prevent further escalation of the conventional arms trade.

**Christopher**



## 286. Summary of Conclusions of a Policy Review Committee Meeting<sup>1</sup>

Washington, January 26, 1978

### SUBJECT

Management of Arms Transfers

### PARTICIPANTS

#### *State*

Secretary Cyrus Vance  
Lucy Benson, Under Secretary for  
Security Assistance  
Leslie Gelb, Director, Office of  
Politico-Military Affairs

#### *Defense*

David E. McGiffert, Assistant  
Secretary for International  
Security Affairs  
Lynn Davis, Deputy Assistant  
Secretary, Policy Plans and  
NSC Affairs

#### *JCS*

General George Brown  
Lt. General William Smith

#### *CIA*

Sayre Stevens, Deputy Director,  
National Foreign Assessment  
Center  
Dickson Davis, NIO S/S

#### *OMB*

James McIntyre  
Edward Sanders, Deputy  
Associate Director  
International Affairs Division

#### *ACDA*

Spurgeon Keeny  
Barry Blechman, Assistant  
Director, Weapons Evaluation  
and Control

#### *White House*

Zbigniew Brzezinski  
Jessica Tuchman, NSC  
Leslie G. Denend, NSC

The PRC met to review the FY 1978 conventional arms sales program. The following issues and conclusions were raised.

### 1. AWACS

There was agreement that the remaining two letters of offer totaling less than \$300 million will be signed up during FY 1978.

### 2. *Planned Reduction*

It was agreed that options would be presented to the President on the appropriate size of the planned reduction in sales during FY 1978. There are three options:

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<sup>1</sup> Source: Carter Library, Brzezinski Donated Material, Box 24, Meetings: Policy Review Committee Meetings (PRC), PRC 51: 1/26/78. Secret. The meeting took place in the White House Situation Room.

*Option 1.* A five percent reduction during this year recognizing the importance of achieving and even exceeding the target for the year.

*Option 2.* An eight percent reduction this year to ensure the credibility of our policy of restraint.

*Option 3.* At least a five percent reduction this year with the additional commitment to at least a ten percent reduction by the end of two years to establish a downward trend over a longer period and facilitate planning.

### *3. Ceiling Management*

There was agreement on the procedures to be used in managing the ceiling. The sale of aircraft to the Middle East is likely to account for a large portion of the ceiling dollars available for new sales commitments this year. The attached listing<sup>2</sup> presents other major requests—excluding the Middle East package—and will be forwarded to the President for his approval as the FY 1978 plan, as part of a flexible predictive approach to managing the ceiling. There will be a monthly review of the plan to measure progress against the ceiling, incorporate new information and recommend additional cases. The normal clearance process during which arms control, human rights, and economic impacts are assessed before forwarding the request for the President's approval will be preserved. For large cases or when there is disagreement on a particular case, it may be necessary to convene the PRC before the case goes to the President.

### *4. Congressional and Press Strategy*

There was broad agreement that a substantial education program must be carried out with the Congress and the press. State will prepare a plan by next Tuesday<sup>3</sup> which will identify the members of Congress whom we must contact and develop a strategy for the Press. State will also contact the Chairmen of the HIRC and the SFRC in an effort to head off requests for Administration working papers which might contain lists of possible sales, citing the problems of the list becoming public and of falsely generating expectations.

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<sup>2</sup> Not attached.

<sup>3</sup> January 31.

**287. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, January 30, 1978

## SUBJECT

PRC Review of FY 1978 Arms Sales

The PRC has met twice<sup>2</sup> to consider the FY 1978 arms sales program including the ceiling management system, specific requests which make up the FY 1978 plan, and the reduction in sales to be achieved in FY 1978. This memorandum requests your approval of the management system and the plan, and presents options on the reduction. (S)

*I. Ceiling Management*

The ceiling has been broken down as indicated in the table on the following page. The allocations for follow-on support, MAP, and small cases are based on Defense and State estimates of requirements for FY 1978.

The PRC recommends a flexible predictive approach to managing the ceiling, with a particular focus on management of the ceiling dollars available for sales of new systems. At the beginning of each year known and anticipated possible sales for that year and beyond will be compiled. The PRC will make an initial assessment of those sales which should be made during the year and will list them for your consideration in order of priority. The list will subsequently be reviewed and updated on a monthly basis providing the flexibility to incorporate new information, and to respond to changing circumstances. This process does not replace the normal clearance process during which arms control, human rights and economic impacts are assessed for each individual sale before it comes to you for final approval. However the existence of the list, approved by you, will force the bureaucracy to think in terms of trade-offs when new cases arise, thereby allowing us to meet our restraint goals. (S)

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<sup>1</sup> Source: Carter Library, Brzezinski Donated Material, Box 24, Meetings: Policy Review Committee Meetings (PRC), PRC 51: 1/26/78. Secret. Sent for action. Brzezinski hand-wrote the date in the upper right-hand corner of the first page of the memorandum. Above the date, Carter wrote "C."

<sup>2</sup> The first PRC meeting on FY 1978 arms sales was scheduled for January 10. No record of this meeting was found. The second meeting is Document 286.

*Recommendation*

I recommend that you approve the predictive approach as described above for managing the arms transfer ceiling. (S)<sup>3</sup>

FY 1978 CEILING  
(in billions of 1978 dollars)

<i>FY 1978 Ceiling Baseline</i>	\$ 9.3
(Based on sales of weapons and weapons-related items to other than NATO, Japan, Australia and New Zealand in FY 1977.)	
<i>Less Commitments</i>	
• Signed Sales Agreements and Letters of Officer and Acceptance outstanding.	2.4
(Includes the AWACS sale to Iran and other agreements signed so far this year as well as LOAs offered but not yet signed by the foreign government.)	
• Reserve for follow-on support.	1.2 <sup>4</sup>
(Includes ammunition, spare parts, maintenance and technical support for systems already sold.)	
• Reserve for MAP.	.1
(Includes weapons and weapons-related portion of direct military assistance approved in the budget by Congress.)	
	— 5.3
<i>Discretionary Balance</i>	\$ 4.0
<i>Less the Planned Reduction</i>	(.47–.74 <sup>5</sup> )
(Five to eight percent depending on which option you select.)	
<i>Available for Sales of New Systems</i>	(3.26 <sup>6</sup> –3.53)

<sup>3</sup> Carter did not indicate his preference with respect to this recommendation.

<sup>4</sup> In the right-hand margin, Carter drew an arrow pointing to the number "1.2" and wrote "This is, I presume, based on past sales—Give firm orders to DOD *not* to exceed."

<sup>5</sup> Carter circled ".74."

<sup>6</sup> Carter circled "3.26."

## II. *The FY 1978 Plan*

A major part of new sales commitments in FY 1978 will be a package of aircraft sales to the Middle East. The value of LOAs signed this year for that package could range from \$1.3 to \$3.5 billion, but will most probably be in the range of \$1.5 to \$2.0 billion. The listing at Tab A<sup>7</sup> represents priority groupings of other major requests—sales within groups are listed alphabetically—excluding the Middle East aircraft package. Based on the allocations in the table on the previous page, we should be able to conclude agreements on the requests contained in the first two groups in the listing at Tab A. However, the plan is not static; it will be updated monthly to reflect new requests and those which have been withdrawn. The importance of the plan is that it offers a comprehensive listing and facilitates the necessary trade-offs. It does not replace your review of individual cases before they are notified to Congress. (S)

### *Recommendation*

I recommend that you establish the listing at Tab A as the FY 1978 Sales Plan.<sup>8</sup>

## III. *Planned Reductions*

During the past week there has been considerable negative reaction in the press to the \$13.2 billion forecast for total overall sales in FY 1978. Sales are expected to increase because of an increase in NATO sales and construction activities in Saudi Arabia, both of which are not included in the ceiling. The press stories argue that the Administration has either abandoned restraint or is practicing “slight of hand” with the numbers. In this context, there was disagreement on the appropriate size of the reduction in sales under the ceiling to be achieved in FY 1978. Opinion was divided among three possible options, all in constant (1977) dollars:

1. *A five percent reduction this year.* Although it may be viewed by some as insufficient to show restraint, this is attractive in that we can meet and probably exceed this target (i.e., promise five percent and deliver six–eight percent). Moreover, we can probably maintain that goal in the future as well. I support this option along with the JCS.

2. *An eight percent reduction this year.* Those who support this option believe that in light of the current political climate and the forecast for the high overall sales total, eight percent is the minimum politically credible figure. Because inflation is expected to run at approximately seven percent, a reduction of eight percent will show an absolute de-

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<sup>7</sup> Tab A was not attached.

<sup>8</sup> Carter checked the “Approve” option.

crease from last year without appealing to an adjustment for inflation. However, your credibility would be at stake if this goal was not met, or if we feel compelled to reduce it in subsequent years. State and ACDA support this option.

3. *At least a five percent reduction this year with the additional commitment to at least a ten percent reduction by the end of two years.* This option would sustain a five percent annual reduction for two years, thereby removing uncertainty in the policy. However, it could reduce your flexibility in an area where there are substantial uncertainties. Those who support this option believe that the longer period will facilitate our arms sales planning and allow more time for other suppliers to emulate our restraint. Defense and OMB support this option; it is NSC's second choice. (S)

*Your Decision*

Option 1: \_\_\_\_\_

Option 2: \_\_\_\_\_<sup>9</sup>

Option 3: \_\_\_\_\_

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<sup>9</sup> Carter checked "Option 2" and underneath wrote "JC."

**288. Memorandum of Conversation<sup>1</sup>**

Caracas, March 28, 1978, 3:30–4:40 p.m.

**SUBJECT**

International Political Issues: Panama Canal Treaties, Non-Proliferation, Middle East, Africa, Belize, Nicaragua, and Conventional Arms Restraint

**PARTICIPANTS**

President Jimmy Carter  
Secretary of State Cyrus R. Vance  
Dr. Zbigniew Brzezinski, Assistant to the President for National Security Affairs  
Terence A. Todman, Assistant Secretary of State for Inter-American Affairs  
W. Anthony Lake, Director, Policy Planning Staff  
Robert A. Pastor, NSC Staff Member  
Ambassador Viron P. Vaky  
Guy F. Erb, NSC Staff Member

*Venezuela*

Carlos Andres Perez, President  
Simon Bottaro Consalvi, Minister of Foreign Affairs  
Manuel Perez Guerrero, Minister of State for International Economic Affairs  
Valentin Acosta Hernandez, Minister of Energy and Mines  
Carmelo Lesseur Lauria, Minister, Secretariat of the Presidency  
Hector Hurtado, Minister of State, President of the Investment Fund  
Ambassador Ignacio Iribarren  
Dr. Reinaldo Figuerido, Director of Foreign Trade Institute

After exchanging cordialities, President Perez asked about President Carter's preference with regard to an agenda. President Carter said that he would like to discuss international political issues today and economic issues tomorrow.

[Omitted here is discussion unrelated to conventional arms transfers.]

*Conventional Arms Restraint*

Perez raised the issue of the arms race in the Andes. He said that Venezuela had called a meeting based on the Ayacucho Declaration,<sup>2</sup>

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Office File, Country Chron File, Box 56, Venezuela, 1–4/78. Confidential. The meeting occurred at the Miraflores Palace. Carter was in Caracas on March 28 and 29. In a follow-up meeting with Perez on April 28, Assistant Secretary of State for Latin American Affairs Viron Vaky said the United States supported Perez's call for "regional restraint, tying this to the larger US effort to encourage multilateral restraint." (Telegram 4012 from Caracas, April 29; National Archives, RG 59, Central Foreign Policy File, D780187–0874)

<sup>2</sup> Declaration signed by Argentina, Bolivia, Chile, Colombia, Ecuador, Panama, Peru, and Venezuela on December 9, 1974 urging "the creation of a permanent order of international peace and cooperation and to create conditions that permit the effective limitation of armaments and put an end to their acquisition for offensive warlike ends, in order to dedicate all possible resources to the economic and social development of each of the countries of Latin America." (*Documents on Disarmament, 1974*, pp. 819–822)

which is dormant. The problem is that if the U.S. doesn't sell arms to the region, the Europeans (and the Soviets, President Carter added) do. Perez said that "we cannot remain with our arms folded". In answer to a question by President Carter on how Ayacucho could be reactivated, Perez said that they could propose a meeting, but the situation is complicated by the breaking of relations between Bolivia and Chile.<sup>3</sup>

*President Carter* said that in the last five years, Latin America has purchased \$7 billion worth of weapons. The U.S. has become a smaller supplier because of its arms restraint policy, selling less than Britain, France, or the Soviets. We would like to reduce our arms sales even more, though there is a limit on how far we can go because of private interests. We would welcome Perez' ideas on reviving Ayacucho.

*Perez* said he would support the President's policies on arms restraint and try to get them adopted by other countries, but he needed more information.

*The President* said he would send the U.S. arms sales policy statement,<sup>4</sup> and that perhaps it could be used as a model or a voluntary formula. Recently, the U.S. asked Mexico to reassess its defense needs and President Jose Lopez Portillo withdrew his request. It would be beneficial to pursue this as a prelude to the U.N. Special Session on Disarmament.

[Omitted here is discussion unrelated to conventional arms transfers.]

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<sup>3</sup> Bolivian President Hugo Banzer broke relations with Chile on March 21.

<sup>4</sup> See footnote 1, Document 271.



**289. Telegram From the Embassy in the Soviet Union to the Department of State<sup>1</sup>**

Moscow, April 10, 1978, 1226Z

7232. Subject: U.S.-Soviet Talks on Conventional Arms Transfers. Ref: (A) State 80818,<sup>2</sup> (B) Moscow 6771.<sup>3</sup>

1. The Embassy has the following comments and views on the coming CAT talks set for Helsinki May 4. Our observations of last December on the Soviet approach in the first round<sup>4</sup> seem in general to remain valid for Helsinki. We continue to think that the cautious and conservative approach of the Soviets will remain unchanged.

2. The evidence seems to indicate that the Soviets consider the current stage of the talks to be only exploratory. To underline this they have pointedly suggested that the talks be referred to as consultations and not “working group” discussions. (Mendelevich on April 4 also questioned the use of the term “working group” for the CAT talks.) Furthermore, the thrust of Mendelevich’s remarks on April 4 showed that the Soviets still have doubts that U.S.-Soviet cooperation on CAT can be fruitful. He claimed that a final decision to continue with the talks cannot be made until after the conclusion of the next round. We would estimate, therefore, that although the Soviets will, as Mendelevich indicated, take the lead in Helsinki, they will not go so far as to elaborate a series of specific proposals.

3. Khlestov’s few substantive comments in December and Mendelevich’s remarks indicate that they will instead press hard on the question of those political principles which ought, in their view, to govern the transfer of arms. In this respect we see the “legal” approach of Khlestov as continuing with Mendelevich. He will likely argue that the “principles” are paramount and that they must be treated before deciding whether and how to control transfers. While this is very thin

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780153–1117. Confidential; Priority; Exdis.

<sup>2</sup> In telegram 80818 to Moscow, March 29, the Department of State asked for an “Embassy assessment of what we might expect from the Soviet side” when the conventional arms transfers talks resumed in Helsinki in May. (National Archives, RG 59, Central Foreign Policy File, D780136–1095)

<sup>3</sup> In response to telegram 80818 to Moscow, March 29, the Embassy reported in telegram 6771, April 5, that Soviet Ambassador-at-Large L.I. Mendelevich “avoided specific comments” about the conventional arms transfers talks and stuck to “general observations of U.S. December presentation and Soviet presentation in May in Helsinki. He recognized that it is Soviet turn to give their views, and claimed his remarks in Helsinki will be more ‘political/legal’ and less ‘technical’ than U.S. December presentation.” (National Archives, RG 59, Central Foreign Policy File, D780148–0001)

<sup>4</sup> See Document 283.

gruel for the coming session, Mendelevich is capable of spreading it over the four days of talks with questions and comments on the U.S. approach completing his contribution to the session. Clearly the Soviets are not in a great hurry to make progress, although they will make every effort to avoid appearing to be the brake on the talks.

4. Although the change to Mendelevich from Khlestov will certainly result in some minor changes in style and substance, we do not think that the basic approach will be greatly affected in this coming round. Mendelevich's designation is probably the result of a combination of factors. First, the LOS session has just begun in Geneva and could be crucial to the success of a LOS agreement. Khlestov has been a senior Soviet participant in the LOS process since its inception. He headed previous Soviet LOS Delegations and as an MFA department chief he has chief responsibility for back-stopping the current round. Thus, substantively and bureaucratically his participation in the CAT talks at this time may be difficult.

5. Mendelevich, on the other hand, has no line responsibilities within MFA and his only other responsibility, the Indian Ocean talks, are not so pressing as to occupy him full time. Finally, MFA USA Department First Secretary Kuznetsov told us that the Soviet side does not consider that the CAT talks have reached the point where the treaty and legal expertise which Khlestov has can be fully utilized. This is another way of saying that the talks are too preliminary to warrant his taking time from his other duties to devote attention to CAT. Whether Khlestov will return to CAT at a later stage is a question, although Mendelevich would have US believe he will not, since on April 4 he characterized his duties in CAT as "permanent."

6. Mendelevich has virtually assured US that he will continue to press the "legal" argumentation which Khlestov began last December. From the Soviet point of view such an approach is most advantageous because it focuses attention on the question of "who" has a "legitimate" need for arms and not "what" arms should or should not be supplied. Khlestov's reference to "principles" in December clearly indicated that the "racist" and "aggressor" states should not be "legal" recipients and that states exercising "legitimate self-defense" and National Liberation Movements should be. Before moving on to the question of "what" should be supplied to these latter (i.e., the "technical" issue in the words of Mendelevich), the Soviets will wish to call into question the legitimacy of transfers to the former.

7. It is in this area that the Soviets will likely have their sharpest criticism (polemics are not Mendelevich's style) of the U.S. for what Mendelevich referred to on April 4 as "undesirable transfers." Israel ("aggressor"), South Africa ("racist"), Iran and Saudi Arabia ("arms in excess of self-defense needs") are some of the "bad" examples of U.S.

arms transfers which are likely to be singled out. (The use of U.S. supplied arms in Lebanon by Israel recently will be particularly attractive to them as a case in point.)

8. However, Khlestov seemed to indicate in December that a regional approach to arms transfers was not a proper topic for the discussions. Instead he thought the “main topic” was the question of a “general limitation of the international arms trade.” Since the logic of the Soviet position argues that the regional problems are only the reflection of the global “principles,” we think that they will try to stay away from a discussion of regional arms transfer restraint in favor of a more general discussion of universally applicable “principles.”

9. On what Mendelevich described as the “technical” level, it appears from what he said that the Soviets will not make a point of differences with the suggested approaches which the U.S. side outlined in the December round. Rather, Mendelevich said he would have “questions” about these approaches. The Soviet tactic might be to claim that since these are “technical” details, they deserve additional exposition, not debate, at this stage of the discussions. Such a posture, combined with a Soviet statement that they agree in principle that these U.S. suggestions are acceptable—although not all inclusive—would assist the Soviets in focusing the discussion on the “political, legal” issues as they see them.

10. In sum, we foresee a rather desultory round of talks, not dissimilar to the December session with the difference that in this one the Soviet side will be a more active participant.

**Toon**

## 290. Summary of Conclusions of a Policy Review Committee Meeting<sup>1</sup>

Washington, April 26, 1978

### SUBJECT

Talks with the Soviets on Arms Transfer Restraint

### PARTICIPANTS

*State*  
Leslie Gelb, Director, Office of  
Politico-Military Affairs

*Defense*  
David E. McGiffert, Assistant  
Secretary for International  
Security Affairs

*JCS*  
Lt. General William Smith

*CIA*  
George Allen

*ACDA*  
Spurgeon Keeny  
Barry Blechman, Assistant  
Director, Weapons Evaluation  
and Control  
*White House*  
David Aaron  
Jessica Tuchman, NSC  
Reginald Bartholomew, NSC

The PRC met to discuss plans for the next round of talks with the Soviets on supplier restraint in the transfer of conventional arms. The following issues were raised and positions taken.

The discussion focused on two issues: What our goals should be for this round of talks; and, what approach to use in pursuing those goals. On the first question there were two views. NSC and ACDA argued that as the Soviets have not yet had their interest engaged in this process, the purpose of this round must simply be to hook them into it, and to get their agreement to continuing series of full-fledged working group meetings. If this proves successful subsequent rounds could address specific tough issues. State argued that this round is the time to begin discussion of the difficult issues because otherwise we would be offering the Soviets the opportunity to string us along, which they would be happy to do indefinitely. In so doing, we would lose our slim remaining chance of engaging British and French cooperation in this effort. Neither Defense nor JCS took a clear position on this issue.

Regarding the approach to be taken, two approaches—overlapping, but differing significantly in emphasis—were presented.<sup>2</sup> The

<sup>1</sup> Source: Carter Library, Brzezinski Donated Material, Subject File, Box 29, Meetings—PRC 60: 4/26/78. Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> Tarnoff sent Brzezinski an undated Issues Paper, "Strategy at the Helsinki CAT Talks," that discussed the two approaches. (Carter Library, National Security Council, Institutional Files, Box 68, PRC 060, Arms Transfer Talks, Helsinki, 4/26/78)

*regional emphasis* approach would highlight the need for restraint in specific regions, and would present these as the focus for future discussions. State, which argued for this approach, proposed that three types of regions be presented: trouble spots (e.g., the Horn); potential trouble spots (e.g., Southern Africa); and, relatively quiescent regions (e.g., Latin America).

ACDA favored a *functional emphasis* which would seek to involve the other suppliers in a multilateral effort to harmonize their respective national policies along the lines of the guidelines the United States has adopted unilaterally (e.g., agreement not to be the first to introduce new, more potent systems into a region; severe limitations on coproduction; ban on transfer of particularly sensitive weapons such as MANPADS, etc.). ACDA argued that in many cases the guidelines are designed to be applied regionally, and could therefore be used as a vehicle for concrete, tough negotiations.

During the discussion the following positions emerged. State favored the regional approach, citing such controversial regions as the Horn and Southern Africa. NSC and ACDA argued that there was nothing in that presentation to attract the Soviets and that it would seriously diminish our chance of getting them to agree to future meetings on that basis. Acknowledging this argument, Defense and JCS concluded that we should use the regional approach but cite as examples only non-controversial regions such as Western Africa, Latin America and South Asia. State argued that such an approach would destroy the credibility of the entire supplier restraint effort. NSC noted that if any type of regional approach were used, the list of examples should include regions, such as the Middle East, which would be uncomfortable for us to address, as well as those which would be uncomfortable for the Soviets.

Finally, NSC and ACDA agreed that in order to maximize our chances for a continuing process, and since we have not developed any specific regional proposals to lay on the table, we should adopt the functional approach in this round, but should make clear to the Soviets that we would intend at an early stage to address specific regional problems in that context.

## 291. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, April 28, 1978

### SUBJECT

Talks with the Soviets on Conventional Arms Transfer Restraint

A PRC meeting was held yesterday concerning the approach to be adopted in next week's talks with the Soviets on supplier restraint in arms transfers. The discussion revealed a sharp difference of opinion as to how we should approach this round of talks. The debate centered on whether we should raise specific contentious issues in this round, or whether we should aim only to secure Soviet agreement to participate in a serious, continuing process. Tab A<sup>2</sup> is the Summary of Conclusions of the meeting which outlines the arguments made.

Subject to your approval, I intend to resolve the issue with the directive at Tab B. Also, in order to demonstrate to the Soviets that this effort has high level support, I believe it would be helpful for the delegation to have with it a statement from you expressing your personal commitment to arms transfer restraint and your concern for the success of these talks. A draft statement is at Tab C for your approval.

### RECOMMENDATION

That you approve the directive and statement at Tab B and C respectively.

Approve Presidential Directive	_____ <sup>3</sup>
As amended	_____
Approve Presidential Statement	_____
As amended	_____ <sup>4</sup>

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<sup>1</sup> Source: Carter Library, Brzezinski Donated Material, Subject File, Box 29, Meetings-PRC 60: 4/26/78. Secret. Sent for action. Carter wrote "C" in the upper right-hand corner of the memorandum.

<sup>2</sup> Tab A is printed as Document 290.

<sup>3</sup> Carter changed "Approve" to "Disapprove" on this line, underlined it twice, and checked this option. In the right-hand margin he wrote "We should move quickly & forcefully to spell out "functional" & "regional" restraint proposals. Give Soviets copy of our unilateral arms sales policy, & see early if they are serious."

<sup>4</sup> Carter checked the "As amended" option.

**Tab B**

**Draft Presidential Directive<sup>5</sup>**

Washington, undated

TO

The Secretary of State  
The Secretary of Defense

ALSO

The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence

SUBJECT

US–USSR Talks on Conventional Arms Restraint

The President has approved the following directive.

The United States Delegation to the US–USSR talks on conventional arms transfer in Helsinki May 4–8 should view its primary objectives in this round to secure Soviet agreement to participate in a continuing and regular series of working group meetings on multilateral supplier restraint.<sup>6</sup>

To this end, the Delegation should continue the functional guidelines approach in its presentation to the Soviets. The Delegation should also make clear that we believe that meaningful arms restraint talks must address specific regional situations in troublesome, potentially troublesome, and currently calm areas, and that we intend to make specific proposals in this regard in the next round and thereafter. If the Soviet delegation cites specific regions where our arms transfer policies concern them, the U.S. Delegation should cite the Horn and Southern Africa as regional situations where Soviet arms transfer policies concern us. If the Soviets show inclination to engage at this meeting in discussion of arms transfer restraint in specific regional situations, the Delegation is authorized to do so coordinating with Washington as required.

The Chairman of the Delegation is authorized to make use of the attached Presidential statement as he deems appropriate, in order to

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<sup>5</sup> Secret.

<sup>6</sup> Carter bracketed this paragraph in the right-hand margin and underlined the phrase “to secure Soviet agreement to participate in a continuing and regular series of working group meetings.” In the left-hand margin he wrote “not enough—Let’s get to the point.”

demonstrate the commitment and support of the highest levels of the United States Government to this effort.

**Zbigniew Brzezinski**

**Tab C<sup>7</sup>**

President Carter has asked me to make this statement on his behalf:

This is an opportunity to convey my personal concern, and that of the United States Government, over the growing world trade in conventional arms, and the urgency I attach to international cooperation to reduce that trade. The unrestrained transfer of conventional weapons represents a serious and continuing threat to peace, and a diversion of resources badly needed for economic and social development.

As great powers, and as the world's leading arms suppliers, the United States and the Soviet Union have a special responsibility to restrain this traffic in armaments. We have distinct but common interests in doing so. Moreover, without US-Soviet restraint, others will not alter their arms transfer practices and opportunities for meaningful multilateral restraint will be lost. And without multilateral restraint, no single supplier could be expected to sustain a policy of restraint for very long.<sup>8</sup>

Restraint does not mean an end to arms sales. Obviously, the legitimate defense needs of friends and allies must be fulfilled. Neither of us would have it otherwise. Restraint does mean that we take steps in common—in cooperation with suppliers as well as with recipients—to prevent sales from increasing the risk of war or inflaming regional and global tensions. Regional conflicts cannot be solved by arms transfer restraint alone. But restraint can contribute to the resolution of such problems and help avoid future conflicts.

To my way of thinking, our common responsibilities in this area flow naturally from the basic tenets of our relations—from the principles agreed to at the highest levels of our governments on May 29, 1972.<sup>9</sup> These principles affirm the importance of preventing the devel-

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<sup>7</sup> No classification marking.

<sup>8</sup> Carter crossed out the word "restrain" and substituted "curb" in the first sentence and added "such" before the words "a policy" and crossed out the words "of restraint" in the last sentence

<sup>9</sup> Carter crossed out "To my way of thinking," capitalized the letter "O" in "our," crossed out the phrase "agreed to at the highest levels," and substituted "accepted by the leaders" in the first sentence. For the final text of the "Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics, issued on May 29, 1972, see *Public Papers: Nixon*, 1972, pp. 633–635.



opment of situations which can lead to confrontations or aggravate problems in our relations. They also affirm our readiness to exchange views at the highest level when necessary on various problems in our relations.

I regard progress in this field as one indication of the importance we each ascribe to these principles. In particular, our governments must take clear, visible steps now, in Helsinki, to record our mutual determination to restrain arms sales, and to create machinery appropriate to this purpose.

By enlarging our arms control agenda to include restraint in transfers of conventional arms, we take one more important step away from conflict and confrontation, and toward more cooperative relations.

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## 292. Presidential Directive/NSC-36<sup>1</sup>

Washington, April 28, 1978

TO

The Secretary of State  
The Secretary of Defense

ALSO

The Director, Arms Control and Disarmament Agency  
The Chairman, Joint Chiefs of Staff  
The Director of Central Intelligence

SUBJECT

US-USSR Talks on Conventional Arms Restraint (U)

The President directs that the U.S. Delegation to the US-USSR talks on conventional arms transfer in Helsinki, May 4–8, should move quickly and forcefully to engage the Soviets in discussions of specific functional and regional restraint proposals, looking to further development of these proposals in subsequent rounds. While the Delegation should seek to secure Soviet agreement to participate in further meetings, the primary objective is to determine whether they are serious about this effort.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 68, PRC 060, Arms Transfer Talks, Helsinki, 4/26/78. Secret.

In this context, the Delegation should reiterate the elements of our arms restraint policy.

The Chairman of the Delegation is authorized to make use of the attached Presidential statement as he deems appropriate, in order to demonstrate the commitment and support of the highest levels of the United States Government in this effort.

**Zbigniew Brzezinski**

## **Attachment**

### **Presidential Statement<sup>2</sup>**

Washington, undated

President Carter has asked me to make this statement on his behalf:

This is an opportunity to convey my personal concern, and that of the United States Government, over the growing world trade in conventional arms, and the urgency I attach to international cooperation to reduce that trade. The unrestrained transfer of conventional weapons represents a serious and continuing threat to peace, and a diversion of resources badly needed for economic and social development.

As great powers, and as the world's leading arms suppliers, the United States and the Soviet Union have a special responsibility to curb this traffic in armaments. We have distinct but common interests in doing so. Moreover, without US-Soviet restraint, others will not alter their arms transfer practices and opportunities for meaningful multilateral restraint will be lost. And without multilateral restraint, no single supplier could be expected to sustain such a policy for very long.

Restraint does not mean an end to arms sales. Obviously, the legitimate defense needs of friends and allies must be fulfilled. Neither of us would have it otherwise. Restraint does mean that we take steps in common—in cooperation with suppliers as well as with recipients—to prevent sales from increasing the risk of war or inflaming regional and global tensions. Regional conflicts cannot be solved by arms transfer restraint alone. But restraint can contribute to the resolution of such problems and help avoid future conflicts.

Our common responsibilities in this area flow naturally from the basic tenets of our relations—from the principles accepted by the

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<sup>2</sup> Confidential.

leaders of our governments on May 29, 1972.<sup>3</sup> These principles affirm the importance of preventing the development of situations which can lead to confrontations or aggravate problems in our relations. They also affirm our readiness to exchange views at the highest level when necessary on various problems in our relations.

I regard progress in this field as one indication of the importance we each ascribe to these principles. In particular, our governments must take clear, visible steps now, in Helsinki, to record our mutual determination to restrain arms sales, and to create machinery appropriate to this purpose.

By enlarging our arms control agenda to include restraint in transfers of conventional arms, we take one more important step away from conflict and confrontation, and toward more cooperative relations.<sup>4</sup>

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<sup>3</sup> See footnote 9, Document 291.

<sup>4</sup> See footnote 2, Document 285.

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### **293. Report Prepared by the Delegation to the US-Soviet Talks on Conventional Arms Transfers Second Round<sup>1</sup>**

Washington, undated

US-Soviet Talks on Conventional Arms Transfers Second Round,  
May 4–8, 1978

#### **Delegation Report**

Significant progress, more than we expected, was made in the US-Soviet talks on Conventional Arms Transfers, which took place in Helsinki from May 4 to 8.

Our net assessment is this: We cannot draw positive conclusions from this round about Soviet willingness to make restraint agreements with us or to actually cut back on their arms transfers. The fundamental Soviet stance remains wary and skeptical.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 94, PRC 079, Arms Transfer Policy: U.S. Next Proposals, 5/29/78, Secret. The report was attached to a May 10 memorandum from Tarnoff to Brzezinski. (Ibid.)

In the judgment of the Delegation, however, the Soviets were serious and, for the most part, practical in their approach to this round. Most importantly, they are now committed to the process of discussing restraint. When our joint communiqué stating this is released on Thursday,<sup>2</sup> we will have some basis to ask for more cooperation from other suppliers and recipients.

It is our strategy to use this process itself as a means of generating pressures on suppliers to slow down the pace of transfers and to think twice about how much and what kinds of weapon systems are to be transferred.

### 1. Objectives

The US side was charged with (a) assessing the “seriousness” of Soviet interest in the talks, and (b) securing Soviet agreement to future rounds of meetings. The latter proved to be of only minor consequence as the Soviet side clearly was prepared to agree to continue the discussions, even before the sessions began. With regard to Soviet “seriousness”:

- They certainly were serious at this round. They came prepared to present their own approach to conventional arms restraint—one based on “political and legal principles.” They asked fairly sophisticated questions about the US functional guidelines which revealed serious study of the details of US policy.

- The tone throughout was constructive. The Soviets avoided polemics as a rule. Nor did they shrink from discussions of topics on which they are vulnerable—such as arms transfers to the Horn of Africa.

- The joint communiqué issued at the conclusion of the round (attached)<sup>3</sup> contains significant evidence of “seriousness.” In it, the Soviets agreed: (a) that the subject was “urgent”; (b) that transfers could affect US-Soviet relations adversely, as well as international peace; (c) that the talks are in accord with the 1972 Declaration of Basic Principles of US-

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<sup>2</sup> May 11. In a joint communiqué, the two sides “agreed that the problem of limiting international transfers of conventional arms is urgent” and called for “solution on a constructive basis so as to promote international peace and security and strengthen détente.” Both sides also “stated their belief that effective solution of the problem requires full consideration of the legitimate defense needs of the recipients in accordance with the purposes and principles of the Charter of the United Nations.” (“Joint Communiqué by the United States and the Soviet Union: Consultation on Limiting International Transfers of Conventional Weapons,” May 11, 1978, *Documents on Disarmament*, 1978, p. 286)

<sup>3</sup> The joint communiqué was not attached.

Soviet Relations;<sup>4</sup> (d) that the talks would continue on a “regularly scheduled” basis; and (e) most importantly, that future rounds would consider “concrete measures” to implement arms restraint. Public acceptance of each of these points is a first for the Soviets, and was attained only after persistent US efforts. A communiqué of this length and substance is rare, and should be counted as evidence of their positive mood.

- We also discovered other points of agreement including, most importantly, the need to involve other suppliers as well as recipients in the restraint process.

A more definitive assessment of Soviet seriousness must await their response to the US proposed agenda for the next round (see below), and their presentation at that round. Two factors suggest a cautious attitude: (a) the Soviets, despite considerable US pressure, refused to characterize the next round as “negotiations”—a word, which to them indicates that formal agreements are to be considered; and (b) the proposal the Soviets tabled at the Helsinki round (i.e., that we each agree not to sell “excessive” arms to one another’s neighbors) obviously was not a serious one.<sup>5</sup> With regard to the latter point, however, they did state that this proposal was “separate” from the rest of the discussion. In any case, Gelb informed the Soviet chairman, Mendelevich, privately, that the USG would formally reject the proposal.

## *2. Respective Positions*

The Soviet side presented in some detail, and argued forcefully, for discussion of “universal political and legal principles.” If, they argued, the two sides and other suppliers could agree on such abstract principles, arms transfer restraint would become an actuality. Essentially, the Soviet “principles” specify that countries which engage in certain types of conduct in contravention of international norms could under no circumstances receive arms from other countries, while other recipients—which engage in conduct considered desirable under these norms—could receive arms without limitation. The international norms of conduct would be drawn primarily from Soviet interpreta-

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<sup>4</sup> See footnote 9, Document 291.

<sup>5</sup> On May 17, the Department of State instructed the Embassy in Moscow to “personally” inform Mendelevich that the United States rejected this proposal because it was “one-sided and not cast in the spirit of our discussions as focusing on specific regional situations where arms transfers can harm our bilateral relations, as well as threaten international security and stability, and on broad political and military criteria.” (Telegram 125832 to Moscow, May 17; National Archives, RG 59, Central Foreign Policy File, P850004-1540)

tions of such ambiguous documents as the UN General Assembly's Definition of Aggression<sup>6</sup> and Declaration of Friendly Relations.<sup>7</sup>

The US side argued that while appropriate political and legal principles might be developed, it also is necessary to develop functional guidelines such as those which make up US unilateral arms transfer policy (The Soviets characterized these as "military/technical guidelines"). These rules would provide specific practical guidance for sales decisions based on the nature of the weapons involved and the local military situation, and would also deal with specific problems such as co-production arrangements and re-exports.

By the end of the round, both sides referred to "criteria for arms sales" which, it was understood, would include both political/legal and military/technical factors. The US side insisted, however, that drawing up such a list of criteria—no matter how inclusive—was not sufficient. To be effective in restraining arms, we argued, these criteria had to be applied to the situations in specific regions. Consequently, the agenda proposed by the US side for the next round included the establishment of working groups on political/legal criteria, military/technical criteria, and regional situations—specifically, Latin America and Africa south of the Sahara. The Soviets cautioned us not to expect their agreement to this complete agenda the next round. They would at best agree to discuss one region, they said, and only under the rubric of a general discussion of the "regional approach."

This will be the next test of Soviet "seriousness." While we should not expect them to accept our proposed agenda in toto, there should be appropriate progress toward regional discussions in the next round.

### 3. *Next Steps*

The next round would probably be held in early July, and hence we need to move quickly to prepare. We also will have to move considerably beyond our previous work into the preparation of specific proposals, rather than general considerations, that can be laid on the table.

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<sup>6</sup> UN General Assembly Resolution 3314 (XXIX), December 14, 1974, defined aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations." (<http://www.un-documents.net/a29r3314.htm>)

<sup>7</sup> UN General Assembly Resolution 2625 (XXV), October 24, 1970, proclaimed that states "shall refrain in their international relations from the threat or use of force against the territorial integrity of any State;" "shall settle their international disputes by peaceful means;" had "a duty not to intervene in matters within the domestic jurisdiction of any State;" had "a duty to cooperate with one another in accordance with the Charter;" respected the "principle of equal rights and self-determination of peoples;" and uphold the "principle of sovereign equality of States." (<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NRO/348/90/IMG/NRO34890.pdf>)

Specifically, we suggest: (a) that the President authorize our participation in a third round of talks; (b) that an SCC meeting be held soon to review progress to date and to formulate, for your approval, draft general guidance for preparation of the US positions for next round; and (c) that a second SCC meeting be held in about six weeks to formulate, for your approval, draft specific guidance and instructions for the US side in the third round.

**Leslie Gelb, Chairman**

*Director, Political/Military Affairs  
Department of State*

**Barry Blechman, Deputy**

*Assistant Director  
US Arms Control and Disarmament Agency*

**Jessica Mathews**

*National Security Council Staff*

**Brigadier General Robert Sennewald**

*Office of the Joint Chiefs of Staff*

**James Michel**

*Legal Advisor  
Department of State*

**John Rowe**

*Office of the Secretary of Defense*

## 294. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>

Washington, May 24, 1978, 3:00–4:00 p.m.

### SUBJECT

US-USSR Conventional Arms Transfer

### PARTICIPANTS

#### *State*

Warren Christopher  
Leslie Gelb, Director, Office of  
Politico-Military Affairs

#### *Defense*

David McGiffert, Assistant  
Secretary for International  
Security Affairs

#### *JCS*

Lt. General William Y. Smith

#### *CIA*

Dr. Robert Bowie, Director,  
National Foreign Intelligence  
Assessment Center  
George Allen, NIO for Special  
Studies

#### *ACDA*

Spurgeon Keeny  
Barry Blechman, Assistant  
Director, Weapons Evaluation  
and Control

#### *White House*

David Aaron  
Reginald Bartholomew, NSC  
Jessica Mathews, NSC

The general statement of objectives for multilateral talks on conventional arms restraint (CAT)<sup>2</sup> was agreed to. Concerning the possible risks inherent in this enterprise, DOD pointed out that what we are trying to negotiate is a means to an end and not an end in itself. This led to a discussion of the necessity for highly specific regional proposals, each to be judged on its own merits for consistency with US national security interests. State suggested and it was agreed to, that in presenting each regional proposal the working group should include an analysis of the US national security interest, analogous to that prepared for a proposed arms sale. It was further agreed that we should not undertake any *démarche* at this time directed at engaging the European suppliers, but rather wait for them to react to the progress made in the US-Soviet forum. It was agreed that any approaches to arms recipients at this time would be premature, at least until specific regional proposals had been agreed to and approved.

<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 94, PRC 079, Arms Transfer Policy: U.S. Next Proposals, 5/29/78. Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> Not found.



The proposed work program was approved with the following changes: (1) each regional proposal should include a justification in terms of US national security interest; (2) the working group should isolate and analyze “the surrogate problem”—i.e., Cubans and others, including those supported by Western nations; and, (3) the group should look at ways and means to improve our data base on arms transfers. The meeting closed with a strong plea by the Chairman for the best efforts of all agencies participating in the work program in the interest of giving this admittedly difficult undertaking a fair try, and of avoiding serious mistakes. All agencies pledged to cooperate.

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## **295. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>**

Washington, July 10, 1978, 2:04–3:30 p.m.

### **SUBJECT**

Conventional Arms Transfer Talks with the USSR and Security Assistance for Kenya

### **PARTICIPANTS**

#### *State*

Deputy Secretary of State Warren Christopher  
William Harrop, Deputy Assistant Secretary for Africa  
Leslie Gelb, Director, Bureau of Politico-Military Affairs

#### *Defense*

David McGiffert, Assistant Secretary for International Security Affairs

#### *JCS*

Lt. General William Y. Smith, Assistant to the Chairman

#### *CIA*

Dr. Sayre Stevens, Deputy Director, National Foreign Assessment Center  
George Allen, National Intelligence Officer for Special Studies

#### *ACDA*

Deputy Director Spurgeon M. Keeny  
Dr. Barry Blechman, Assistant Director, Weapons Evaluation and Control Bureau

#### *OMB*

Edward G. Sanders, Deputy Associate Director, International Affairs Division

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<sup>1</sup> Source: Carter Library, Brzezinski Donated Material, Subject File, Box 12, Meetings–SCC 94: 7/78. Secret. The meeting took place in the White House Situation Room. Brzezinski informed Carter of the results of the meeting in a July 11 memorandum. (Ibid.)

*White House*  
David Aaron

*NSC*  
Reginald Bartholomew  
Jessica Tuchman Mathews  
Leslie G. Denend

The SCC affirmed the continuing objective of these talks to move the Soviets toward concrete measures of conventional arms transfer restraint. Soviet refusal to establish a regional working group, one of three agreed upon at the last round, before arriving in Helsinki for the start of this round, has complicated the preparation of a U.S. strategy for the talks.

It was agreed that a decision on how to respond if the Soviet Delegation proves reluctant to establish the regional group or places unacceptable preconditions on its agenda, could not be made in advance since it should be based on the tone and substance of the Soviet posture in Helsinki. It was decided that the delegation should report to Washington, proposing either to return to Washington, to delay the start of the talks until agreement is reached, to include regional proposals in the plenary sessions, or some other possibility. Washington would then issue instructions. It was further agreed that while each delegation is always free to discuss whatever it wishes, the U.S. delegation should not take any action to lend status to the Soviet 'neighbors' proposal, including agreeing to place it on the agenda of a regional working group.

If the question of the regional group can be resolved satisfactorily and the talks proceed, it was agreed that the discussion of legal/political criteria which have been proposed by the Soviets will move in parallel with the discussion of U.S.-sponsored military/technical guidelines. The delegation will not agree to political/legal criteria without Soviet agreement on military/technical guidelines.

It was agreed that in discussing with the Soviets how restraint might be implemented, the U.S. position will be that suppliers should seek recipient acceptance of the agreed-upon restraint norms before implementation, but that recipients would not hold a veto over supplier restraint. In certain circumstances or for particular weapons systems the U.S. would be prepared to implement strictly supplier restraint.

On whether or not to inform key African leaders of the talks before they begin, ACDA expressed the view that given the uncertainties surrounding the talks and the future of the Regional Working Group in particular, prior consultations could only serve to raise African fears unnecessarily. State and Defense maintained that prior consultations are desirable to allay potential African concerns that outsiders are meeting to decide what is best for Africa. The SCC did not approve con-

sultations with the Africans before the talks begin but directed State to prepare the substance of what we would say to the Africans and circulate it for interagency review.

There was disagreement on which African states should be included in the U.S. regional proposal for Africa. ACDA felt strongly that we should stick with sub-Saharan Africa. DOD agreed but noted that they did not feel strongly on this. State feels that by confining our proposal to sub-Saharan Africa, we are running a high risk of having our restraint proposal perceived as discriminating between black versus white African states. All agreed that the introduction of the entire Middle East issue which would accompany the inclusion of Egypt and Libya must be avoided. State's final position was that the delegation attempt to have the Soviets agree to the discussion of all of Africa except Egypt and Libya. David Aaron suggested that the delegation propose two regions to the Soviets—sub-Saharan and North West Africa. The issue was not decided.

It was agreed that Cuba should not be allowed to stand as an obstacle to achieving Soviet agreement to a proposal for restraint in Latin America. The U.S. delegation will make clear at the beginning of the talks that our discussion of restraint in Latin America includes all of the states of Latin America and the Caribbean, but we will not make the inclusion of Cuba a precondition for U.S. agreement on a Latin American regional restraint initiative.

The SCC also discussed possibilities for reprogramming FY 1978 and FY 1979 FMS credit to Kenya to finance an initial U.S. response to Kenya's request for assistance in modernizing its military forces. The discussion pointed out the political difficulties of cutting FMS credits from any potential donors. The SCC did not reach a decision. Defense and State were directed to reach agreement on common data for the potential credit donors and develop formal agency positions. The survey team was directed to identify a less costly initial package which we might be prepared to offer the Kenyans.

## 296. Telegram From the Department of State to All American Republic Diplomatic Posts<sup>1</sup>

Washington, August 25, 1978, 0038Z

216300. Subject: Conventional Arms Transfer Restraint: Debrief on US-Soviet Talks.

1. Department is briefing selected governments on third round of US-Soviet Conventional Arms Transfer (CAT) talks, held in Helsinki July 18–28. Action addressees should seek meeting at Senior ForMin level to brief confidentially on Helsinki talks, drawing on talking points in paragraph 3 below. If any posts recommend that department conduct supplementary debrief of embassies in Washington, please inform us immediately.

2. Purpose of debriefing is to keep other governments informed of progress we are making with suppliers on conventional arms restraint. Host governments would not be wrong to draw conclusions from briefing that we are seriously pursuing a major foreign policy goal and hence that recipient initiatives to help define restraint measures are timely and likely to influence supplier actions. But we do not want to convey impression of US, much less joint US-Soviet, desire to impose external limitations on Latin America. Further, although we support current Latin American initiatives toward self-restraint,<sup>2</sup> and have been in touch with both Venezuela and Mexico with regard to their initiatives (para 4 below), we do not believe we should either assume too strong a public stance or too eager a private one. Please report reactions of host government to US-Soviet CAT talks, including any comments volunteered on current Latin American restraint initiatives or their relationships to supplier restraint as envisaged in US-Soviet talks.

3. Talking points for CAT III debrief.

A. Background.

—The US and Soviet sides have met three times to discuss conventional arms restraint. At the conclusion of second round of talks last May, the two sides issued a joint communiqué in which they agreed.<sup>3</sup>

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780347–0862. Secret; Immediate. Sent for information Immediate to Caracas, Mexico City, the Interests Section in Havana, and the Consulate in Belize. Not sent to Paramaribo. Drafted by Priscilla Clapp (PM); and approved by Jerome Kahan (PM), Luigi Einaudi (ARA), Alan Platt (ACDA), Lorna Watson (ACDA), and Andrew Thomas (PM/SSP).

<sup>2</sup> Telegram 220400 to all American Republic diplomatic posts, August 30, transmitted a summary of the conference on the “limitation and/or prohibition of certain types of conventional weapons” held in Mexico City August 21–24. (National Archives, RG 59, Central Foreign Policy File, D780354–0696)

<sup>3</sup> The text of the communiqué is printed in *Documents on Disarmament*, 1978, p. 286.

(1) that the problem of limiting global arms transfers was urgent, and (2) to hold regularly scheduled meetings to explore concrete measures to promote Conventional Arms Transfer restraint.

—Events since then have underscored the existence of international concern for such measures. In June, the UN Special Session on Disarmament adopted a program of action<sup>4</sup> calling for consultations among suppliers and recipients on limiting arms transfers. US-Soviet bilateral meetings are thus consistent with this program and represent an effort to implement it. (Note: Brasilia may wish to eliminate or modify this point, since GOB formally disassociated itself from this part of the program of action.)

—In Latin America the June 22, 1978 declaration by the eight signatories of the 1974 Declaration of Ayacucho calling for regional agreement limiting Conventional Arms Transfers,<sup>5</sup> and the diplomatic efforts of Mexico toward the same end at the OASGA and since, have given new impetus to recipient efforts to restrain arms transfers on a regional basis.

#### B. The July Meeting: Agreement on Framework.

—In most recent (third) round of talks, the US and Soviet Union agreed on a three-part framework for future talks, consisting of political-legal criteria, military technical criteria, and regional application.

—(1) The political-legal criteria (or guidelines) are based on the UN charter, UN resolutions, and other internationally agreed documents; and will identify (a) legal constraints on arms transfers; and (b) relevant political factors to be taken into account in making arms transfer decisions. Good basis has been established for the elaboration of mutually acceptable language during the next round.

—(2) The military-technical criteria (or guidelines) will determine how to regulate both types and quantities of weapons transferred. Both sides agreed that a comprehensive and effective approach to arms transfer restraint will require both types of criteria.

—Both sides have agreed to discuss the application of these criteria in specific regional situations. This will give reality to the criteria, which would otherwise be general and abstract statements of interest, and will reduce the chances of future misunderstanding.

—Both sides agreed that any region or sub-region of the world could be discussed, provided regional groupings were not artificially contrived.

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<sup>4</sup> The text of the program is printed in "Final Document of the Tenth Special Session of the General Assembly," June 30, 1978, *Documents on Disarmament*, 1978, pp. 411–439.

<sup>5</sup> *Documents on Disarmament*, 1978, p. 391.

### C. Interim Restraint.

—Both sides agreed that, in advance of final agreement on criteria, it would be possible to reach interim restraint agreements for specific regions. What form such agreements might take is not yet determined and will depend in large part on attitudes of recipient countries.

### D. Role of Other Suppliers and Recipients.

—Both sides recognize that successful effort to develop arms restraint regimes will require the active participation of not only other suppliers, but also recipients. They are hopeful that suppliers and recipients will find it in their interests to support arms transfer restraint.

—We have made clear to the Soviets that we believe legitimate defense requirements of recipients must continue to be met.

### E. Assessment and Future Prospects.

—There was considerable movement toward reaching a common understanding of the general criteria (or guidelines) for US-Soviet restraint in arms transfers.

—The Soviets appear to take these talks seriously.

—The next round—tentatively planned for December to enable both sides to undertake thorough preparations—will provide the test of prospects for near-term success.

4. FYI: Venezuela is currently exploring how and when to convene foreign ministers meeting referred to in June 22, 1978 restatement of Ayacucho Declaration. Mexico invited all Latin American governments, except Chile, to a meeting August 21–24 in Mexico City. Mexican objectives in convening meeting were apparently three-fold:

—To gain support for Mexican position on prohibition of certain types of weapons in UN Geneva Conference on Laws of War;

—To reach agreement on establishment of Latin American commission to make recommendations on guidelines for regional restraint to a 1979 foreign ministers meeting;

—To make joint appeal to suppliers to abide by regional desire for restraint.

US position is to support both initiatives on the basis that they have a common goal, that the process of reaching that goal will be long-term, and that developing momentum and sustaining that process will require the active commitment of many. We know that attitudes among host governments are wide-ranging and hope your debriefing on Helsinki talks will serve indirectly to elicit comments.

End FYI.

**Christopher**

297. **Intelligence Assessment Prepared in the Central Intelligence Agency<sup>1</sup>**

ER 78–10476

Washington, August 1978

Latin American Arms Market: Changing Patterns of Supply

*Key Judgments*

Latin American countries, closely tied to the United States after World War II for military security assistance, began shifting arms procurement to Western Europe in the late 1960s to refurbish their outdated arsenals and to adjust to a more restrictive US sales policy.

Latin America, one of the last of the Third World regions to acquire modern weaponry, procured \$4 billion worth of arms in 1974–77. West European suppliers garnered \$2.3 billion of this total, or about three times the US figure. While the United States remained the single largest supplier, its sales slumped badly toward the end of the period. The USSR signed major contracts with one client—Peru.

In the past four years, Argentina, Ecuador, and Peru together placed nearly two-thirds of the equipment orders and Venezuela, Brazil, and Chile another 30 percent.

We expect a substantial drop in sales in 1978–79, as Latin American countries absorb deliveries of their recent large purchases and ponder the requirements of their upcoming new equipment cycles.

Latin America: Arms Suppliers<sup>2</sup>

	Million US \$				
	United States	Western Europe	Other Non-Communist	USSR	Total
1974.....	240	265	55	5	565
1975.....	205	700	145	55	1,105
1976.....	145	315	35	340	835
1977.....	130	1,035	140	110	1,415
1st half, 1978	NA	55	30	0	NA

Military sales to Latin America in 1980–83 could reach \$3 billion to \$4 billion (in 1976 prices), with West European suppliers increasing

<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Freedom of Information/Legal, Kimmitt, Arms Transfer File, Box 25: Latin America, 2–12/78. Secret; Noform.

<sup>2</sup> For more detailed tables, see the appendix. [Footnote is in the original.]

their share of the market even further. We expect market developments in this four-year period to follow this general pattern:

- US sales will be largely made up of spare parts and electronics equipment.
- France will have excellent prospects for sales of jet aircraft and air defense systems.
- West Germany should be able to market missiles, ground force equipment, and submarines.
- Italy should be building new surface combatants for several Latin American states.
- British sales will tend to lag behind the sales of other West European producers.
- Israel can be expected to replace the United States in a growing number of technical assistance programs in the region, including the training of local personnel and sales of certain types of advanced military equipment.
- Brazil and Argentina, which are the first arms producers of any consequence to emerge in the region, should more than double their combined \$105 million sales of 1974–77.
- The USSR will continue to play a restricted role in the market.

[Omitted here is the body of the assessment.]

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**298. Memorandum From Acting Secretary of State Christopher to President Carter<sup>1</sup>**

Washington, September 28, 1978

SUBJECT

Multilateral Restraint in Conventional Arms Transfers

Over the past year, we have made progress with the Soviets and with recipients in seeking cooperation on restraint in conventional arms transfers. However, with the Europeans, we have achieved none of our objectives, mainly because of the French. It will be difficult to produce further results without support from the Europeans, because both the Soviets and recipients will take their cue from European attitudes before committing themselves to real restraint measures. Therefore, we must now make a concerted effort to bring the Europeans along.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 5, Arms Transfers: 8–10/78. Secret; Nodis.



French participation is the key: with it, the British and Germans are likely to be forthcoming. Over the past year, the French have put two major conditions on their willingness to participate in discussions on restraint: demonstration of Soviet willingness to cooperate, and the development of indigenous regional restraint efforts. Giscard himself has elaborated these conditions publicly and has indicated the possibility of a positive French attitude toward restraint should these conditions be met. We believe there has been progress toward meeting both these conditions. (Of course, French objections may go deeper—to basic questions of economic competition—and the French may therefore be unwilling to take part in arms restraint at this time.)

Having tried to persuade the French at lower levels, we now believe that any appeal to be effective needs to go to Giscard himself in order to increase the limited chances of getting a positive response. This approach may fail. However, the alternative of doing nothing would definitely be a serious weakening of the whole arms restraint effort. I therefore recommend that you sign the attached letters, urging another quadrilateral meeting on conventional arms transfers<sup>2</sup> and, particularly in the case of the French, holding out the option of bilateral talks as well.

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<sup>2</sup> Talks between the United States, the United Kingdom, the Federal Republic of Germany, and France on conventional arms transfers had been scheduled for June 22–23, 1977. No memoranda of the talks have been found. (Telegram 10061 from Bonn, June 15, 1977; National Archives, RG 59, Central Foreign Policy File, D770213–1206)

**299. Telegram From the Department of State to the Embassy in France<sup>1</sup>**

Washington, October 19, 1978, 1952Z

265150. Subject: Conventional Arms Transfer Restraint.

Embassy should deliver, as appropriate, following Presidential message to President Valéry Giscard d'Estaing. (FYI:—There will be no signed original transmitted. End FYI.)

Dear Valéry:

On several occasions during the past year, you and I have exchanged views on the international arms trade. I believe we are in agreement that unrestrained arms transfers—especially to particular regions—can have serious consequences for regional stability and for diversion of scarce resources needed for civilian economic needs. We also agree, I believe, that controlling the arms trade cannot come solely from efforts by supplier states to impose restraints on recipients, or by ignoring the legitimate defense needs of individual nations. Instead, there must be a cooperative approach, including both suppliers and recipients.

Last year, representatives of our governments met, with their West German and British counterparts, to compare views concerning the basic issues involved, and to discuss possible steps to gain some control over the arms trade. You indicated that France would be ready to take part in seeking restraint, provided that initiatives came from particular regions, and provided that the Soviet Union were prepared to cooperate.

At the UN Special Session on Disarmament, you expanded on the regional approach, proposing that restraint should develop through consultations within regions, and indicating that France would be prepared to support such regional agreements. You also suggested that the most realistic way to achieve restraint would be through joint supplier-recipient limitations.

I am pleased to note that this approach has begun to materialize. During the Special Session on Disarmament, eight Latin American countries signed a declaration reaffirming their intentions to seek a lim-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840139–2046. Secret; Immediate; Nodis. The text was received from the White House. Drafted by Priscilla Clapp (PM); cleared by Tarnoff, Feurth (EUR/RPM), Gary Matthews (EUR/SOV), Thomas Hirschfeld (ACDA/WEC), William Marsh (T), John Rowe (DOD/ISA), and John Merrill (JCS); and approved by Jerome Kahan (PM). Carter sent a similar letter to British Prime Minister James Callaghan in telegram 265150 to London, October 19. (National Archives, RG 59, Central Foreign Policy File, P840139–2042)

itation on arms purchases. In August, Mexico hosted a meeting of all but three Latin American countries to extend this commitment on restraint to the entire region and to begin to develop concrete ways to carry it out.

As you know, we have also been actively pursuing this issue with the Soviet Union. In our last round of bilateral talks with the Soviets in July, we made considerable progress in defining a framework for restraint in conventional arms transfers, which provides, among other things, for the development of general criteria that could guide the activities of both suppliers and recipients in their arms transfer activities. The Soviets also indicated that interim restraint arrangements are possible where regional conditions are favorable. It is my judgment that this framework, if agreed upon among a number of suppliers and recipient nations, can provide the basis for working toward genuine restraint, thus slowing the pace of East-West competition in the arms trade.

Neither we nor the Soviets, however, contemplate a purely bilateral solution to the problem of arms transfers. Proceeding on the basis of the UN SSOD program of action, we are exploring ideas for practical discussions on restraint arrangements between suppliers and recipients. In this regard, the Soviets have also asked US to come to the next meeting in December prepared to discuss ways of involving other major suppliers who seek solutions to this problem, as well as means to achieve practical discussions between suppliers and recipients.

I believe, therefore, that the time is right to try building further upon the approach which you outlined at the UN Special Session. Thus, I would like to propose that representatives of our two governments undertake further discussions, designed to explore the possibilities of supplier and recipient cooperation in support of efforts for restraint. These talks could most usefully take place in concert with the British and Germans, and I am writing in this vein to Jim Callaghan and Helmut Schmidt. Of course, I would also welcome separate discussions with your government, either before or after a four-power meeting.

I am particularly mindful of the practical problems which arms restraint would pose for individual supplier nations. The arms trade does not exist in a vacuum, but is also related to weapons production for national defense and our common security; to national balances of payments; to arms trade among nations in the Western Alliance; to fostering national technological bases that will help sustain civilian economies; and to our common security concerns in the developing world. At some point, these issues will also need to be considered, if we are to ensure that no supplier nation is to bear a disproportionate burden.

In view of the complex factors involved, including the differing national interests and perceptions of suppliers and recipients, it will not be easy to achieve an international regime for arms restraint, even for a

single region. But I believe that we need to begin the patient work that is essential to progress toward the goal you and I both share.

I would very much welcome your views on this critical issue. And I hope it will be possible for representatives of our two governments—along with the British and Germans—to resume discussions in the very near future.

With warmest regards,

Sincerely,

Jimmy Carter

Newsom

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### 300. Intelligence Assessment Prepared in the Central Intelligence Agency<sup>1</sup>

ER 78-10591

Washington, October 1978

#### Arms Sales to the Third World, 1977

##### *Key Judgments*

Arms sales to the Third World<sup>2</sup> reached an estimated \$22.4 billion in 1977 as sizable orders by Iran and other Middle East clients reversed a two-year slump. In terms of constant US dollars (with Soviet sales being valued on a comparable basis), 1977 sales, although still 10 percent less than 1974 sales, were about 10 percent above the 1975-76 level.

	Billion US \$	Billion 1976 US \$ Constant Prices
1974.....	21.3	25.6
1975.....	19.5	21.1
1976.....	19.5	20.9
1977.....	22.4	22.9

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<sup>1</sup> Source: Department of State, RG 59, Office of the Deputy Secretary: Records of Warren Christopher, 1977-1980, Lot 81D113, Withdrawn Items, Box 5, Chronological Files, Memoranda to the Secretary, 1977. Secret; Noform.

<sup>2</sup> For the purpose of this report, the Third World refers to the following: (1) all countries of Africa except South Africa; (2) all countries of East Asia except Hong Kong and Japan, and Cambodia, Laos, and Vietnam, which became Communist in 1975; (3) Greece and Turkey in Europe; (4) all countries in the Middle East and South Asia; and (5) all countries in Latin America except Cuba. [Footnote is in the original.]

On the buyers' side, Iran and Saudi Arabia continued to dominate the market in 1977, purchasing about 45 percent of the arms sold to Third World countries. Algeria, Iraq, Ethiopia, India, and Argentina accounted for another 20 percent.

As for suppliers, the USSR, France, and West Germany substantially increased their Third World arms sales in 1977, in both absolute and percentage terms. The United States, while retaining its lead as the single largest supplier, saw its market share decline by 8 percentage points. US sales are characterized by proportionately larger support and associated services provided clients. In the support category, US sales in constant prices surpassed those of the USSR (the second-largest arms supplier) by 75 percent; in services, the ratio was 8 to 1. As for weapon systems, the spread between US and Soviet sales was narrower, with US sales only 12 percent higher.

Deliveries of military items to the Third World continued their rise of recent years, in both current prices and constant prices (with Soviet deliveries valued comparably):

	Billion US \$	Billion 1976 US \$
1974.....	7.9	9.8
1975.....	8.9	10.3
1976.....	11.7	12.7
1977.....	13.8	14.1

Once again the USSR responded more quickly than other suppliers in following up sales with deliveries. At the end of 1977 the backlog of Soviet orders stood at about \$5 billion, while the backlog of other suppliers had mounted to \$45 billion, including \$30 billion for the United States (fiscal year data). The five top Third World recipients of foreign arms in 1977 were Iran (\$2.7 billion), Saudi Arabia (\$2.0 billion), Israel (\$1.1 billion), Iraq (\$1.0 billion), and Libya (\$0.8 billion).

Looking ahead for the next several years, we expect the Third World arms market to level off and drift downward: (a) the leading clients have huge backlogs of orders and, in some instances, find it hard to digest the existing flow of arms; and (b) a number of Third World countries face increasing financial problems—for example, in managing their debts and marketing their raw materials at good prices. We note that the USSR and West European suppliers are taking vigorous steps to maintain sales in what may well prove to be a stagnating market.

[Omitted here is the body of the assessment.]

**301. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, November 6, 1978

**SUBJECT**

The FY 1979 Arms Transfer Ceiling

We have reached interagency consensus on the FY 1979 arms transfer ceiling management plan (Tab 1),<sup>2</sup> but one issue requires your decision: the reduction to be made in the ceiling.

I believe that our national security interests and arms restraint objectives in FY 1979 can be achieved with a further \$734 million or 8 percent reduction from the FY 1979 baseline of \$9.2 billion. After adjusting for inflation of 7.2 percent, the FY 1979 ceiling would be \$8,430 million compared to actual FY 1978 ceiling sales in FY 1978 dollars of \$8,539 million. This FY 1979 ceiling level would be equivalent to \$7.4 billion in transfers in FY 1977 dollars, or a reduction of \$1.4 billion (16 percent) in two years.

The ceiling plan is sufficiently flexible so that it can accommodate potential transfers to the Middle East, should further requests materialize and we decide to respond favorably. All major ceiling cases will be sent to you for decision prior to Congressional notification in accordance with the procedures you established.

The Office of the Secretary of Defense (OSD) and the Arms Control and Disarmament Agency agree with me that this FY 1979 ceiling level would permit us to make those sales important to our national interests while demonstrating our continuing commitment to arms transfer restraint.<sup>3</sup>

The Joint Chiefs agree that our security interests can be met within the proposed cut, but believe an 8 percent reduction is inappropriate in view of the lack of progress of our multilateral restraint initiatives.<sup>4</sup> They point out that both the Soviets and the major NATO suppliers have failed to follow our example by adopting even modest restraints, or by agreeing to concrete measures during a year and a half of Conventional Arms Transfer (CAT) talks. The OJCS believes that a more modest reduction of 2 to 5 percent (\$200–\$500 million) would preserve

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 5, Arms Transfers: 8–10/78. Confidential.

<sup>2</sup> Not attached.

<sup>3</sup> The OSD and ACDA reports were not found.

<sup>4</sup> Not found.

the credibility of our policy and send a more appropriate signal to other arms suppliers, particularly in view of your statement last February that “the extent of next year’s reduction will depend upon the world political situation and upon the degree of cooperation and understanding of other nations.”<sup>5</sup> The Joint Chiefs believe that a larger reduction would suggest that our restraint policies are insensitive to the actions of others, and would prompt continued intransigence in negotiations.

I do not agree with this assessment. My concern, which is shared by OSD and ACDA, is that other suppliers and domestic critics are more likely to interpret such a modest reduction as lack of Administration commitment to restraint, particularly since the CAT talks have not yet had time to produce results. Soundings we have taken with Congress at the staff level support this conclusion. At the same time, I believe that progress at CAT is necessary before we make future commitments to reduction, and that other suppliers should not count on our continuing to make reductions. Therefore, I recommend that you state in your public announcement that decisions on future arms transfer levels will depend on the cooperation on restraint we receive in the coming year from other nations. A proposed draft Presidential statement is at Tab 2.<sup>6</sup>

*Recommendations:*

That you approve an 8 percent reduction for FY 1979 and that you announce that decisions on future levels will depend on the cooperation of others.<sup>7</sup>

*ALTERNATIVELY*, that you approve a more modest reduction of 2 to 5 percent for FY 1979 and that you announce that future levels will depend on the cooperation of others, expressing disappointment at the pace of multilateral cooperation thus far.

Approve 5% reduction \_\_\_\_\_

Approve 2% reduction \_\_\_\_\_

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<sup>5</sup> See “Statement by President Carter: Arms Transfer Policy,” February 1, 1978, *Documents on Disarmament, 1978*, pp. 44–45.

<sup>6</sup> Not attached.

<sup>7</sup> Carter checked the “Approve” option and wrote “J. Be very careful. Don’t come too close to our limit.”

### 302. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, November 13, 1978

#### SUBJECT

The FY 1979 Arms Transfer Ceiling

The State memorandum at Tab A<sup>2</sup> presents the FY 1979 Conventional Arms Transfer Ceiling Management Plan and recommends that the eight percent reduction achieved in FY 1978 be repeated in FY 1979.

The ceiling for FY 1979 has been calculated based on the FY 1978 ceiling after adjusting for inflation.

FY 1978 ceiling	\$8.551 billion
Inflation (FY 1978 to FY 1979-7.2%)	<u>+ .616</u>
FY 1979 ceiling baseline	9.167
8% reduction	<u>-.733</u>
FY 1979 ceiling	\$8.434 billion

State and Defense have identified a worldwide total of \$10.5 billion in potential sales which might be concluded in FY 1979. However, for a number of reasons (normal attrition; uncertainties surrounding sales to Iran; no sale of F-16s to Korea this year; formal requests have not yet been received for some sales) roughly \$2.5 billion of that total is unlikely to be signed in FY 1979. Therefore, we are faced with a realistic demand of roughly \$8.0 billion which can easily be accommodated within a ceiling of \$8.4 billion.

The announcement of the FY 1979 ceiling will be an important factor in our efforts to secure multilateral cooperation in restraining arms transfers. Virtually all agencies believe that FY 1979 will be the true test of that effort, that our prospects are sufficiently encouraging to pursue the CAT talks over the next 12 months with real vigor, and that continuing an eight percent reduction sends the appropriate signal to the other suppliers and to recipients.

The Office of the Joint Chiefs of Staff (OJCS) points out that in the year since we began talking about multilateral restraint no suppliers or recipient nations have adopted concrete measures of restraint comparable our unilateral ceiling. The OJCS would prefer a smaller reduc-

<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Mathews Subject File, Box 5, Arms Transfers: 8-10/78. Confidential. Sent for action.

<sup>2</sup> See Document 301.



tion—say two to five percent—in FY 1979 to signal our concern and put the others on notice that we are not prepared to sustain unilateral restraint indefinitely.

While I take the OJCS point that U.S. unilateral restraint may not be possible to sustain indefinitely, I feel strongly that for an undertaking of this complexity one year is simply too short a period to expect measurable results. My recommendation is to repeat the eight percent reduction of last year: first, because it provides continuity for the CAT talks, and second because it can be done in FY 1979 without seriously affecting any of our security assistance plans.

A draft statement at Tab B has been prepared for the public announcement of the FY 1979 program.<sup>3</sup>

#### RECOMMENDATION

That you approve an eight percent reduction in FY 1979 and the proposed public statement (Tab B).<sup>4</sup>

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<sup>3</sup> Not attached. Carter issued a statement on November 29 saying that “Conventional arms restraint is an important objective of this administration and the Congress. To ensure U.S. leadership and to supplement existing legislation, I established for the first time a set of quantitative and qualitative standards by which arms transfer requests considered by this Government would be judged. The principle consideration in the application of these standards is whether the transfer in question promotes our security and the security of our close friends.” (*Documents on Disarmament*, 1978, pp. 691–692)

<sup>4</sup> After “(Tab B),” Brzezinski wrote “making further reductions also dependent on the cooperation + restraint of other suppliers.” Carter checked the “Approve” option and beneath the approval line wrote: “This is not much of a restraint. J”.

### 303. Minutes of a Special Coordination Committee Meeting<sup>1</sup>

Washington, November 21, 1978, 9:32–11:10 a.m.

#### SUBJECT

Conventional Arms Transfers—Round IV

#### PARTICIPANTS

##### *State*

Deputy Secretary Warren Christopher

Mr. Leslie Gelb, Director, Bureau of Politico-Military Affairs

##### *Defense*

Secretary Harold Brown

Mr. David McGiffert, Assistant Secretary for International Security Affairs

##### *JCS*

General David C. Jones, Chairman

Rear Admiral James A. Lyons, Jr., Assistant Deputy Director for Politico-Military Affairs, Plans and Policy Directorate

##### *CIA*

Dr. Sayre Stevens, Deputy Director, National Foreign Assessment Center

Mr. Neil Linsenmayer, NIO for Special Studies

##### *ACDA*

Deputy Director Spurgeon M. Keeny

Dr. Barry Blechman, Assistant Director, Weapons Evaluation and Control Bureau

##### *White House*

Dr. Zbigniew Brzezinski

Mr. David Aaron

##### *NSC*

Mr. Reginald Bartholomew

Dr. Jessica T. Mathews

Dr. Leslie G. Denend

Dr. Brzezinski opened the meeting by questioning a basic element in the approach to the CAT talks presented in the interagency paper.<sup>2</sup> He stated that sensitive issues pertaining to our alliance relationships, which should not be a matter for discussion with the Soviets, were being proposed for discussion. Focusing on China and the Koreas, he asked whether the risk of damage by even listening to a presentation on this area was not too great since listening is also part of negotiations.

In response, Christopher replied that his question goes to the fundamental feeling one holds about these negotiations. If that feeling is

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 118, SCC 118, Arms Control/Conventional Arms Transfers, 11/21/78. Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> Attached but not printed.

positive—as State’s is—then he believes we should be prepared to listen to what the Soviets want to talk about so that we can talk to them about what *we* want. He therefore recommends that we hear what the Soviets have to say on Korea, ask whatever questions are necessary to clarify the proposal, and indicate that we will comment at the next round. He added that Ambassador Gleysteen had been asked his views on this. Gleysteen felt that the government of South Korea should be consulted in advance, and if they did not strongly object, we should proceed as the State Department proposed.<sup>3</sup> Christopher quoted Gleysteen’s conclusion that: “We—and to a lesser extent the Soviets—play a crucial role in moderating the North-South Korean arms race, and we should not close our minds entirely to a rather passive exploration of the issue.”

Secretary Brown remarked that his view was more negative and he interpreted Gleysteen’s cable as more negative also. Since the US is the major arms supplier to South Korea, and the Chinese to North Korea, mutual US-Soviet restraint would greatly upset the ROKG. He didn’t know how negative we should be: whether we should walk out, or listen in silence, or try to agree to an agenda in advance. His inclination was that we should try to agree with the Soviets on restraint in just one area—Africa—and if we couldn’t agree there, he asked, how can we agree anywhere else? He noted that he recognized that the US has the most to gain from mutual restraint in Africa.

Brzezinski asked what views of the group were on Brown’s suggestion of singling out a single non-aligned region for initial agreement. He stated that he believed that the Soviets found these negotiations very attractive because they hold the promise of establishing a global US-USSR relationship above established allied or emerging political relationships—at no cost to the Soviets. We have no interest in promoting that, and on the other hand, have a great deal to lose. He sees no conceivable interest to the US in listening to Soviet presentations on China, Korea and Iran. It would make more sense to isolate a single region where there is the least amount of conflictual interest. He also wanted to know how far we can move towards agreement with the Soviets without the extensive involvement of the British and French.

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<sup>3</sup> In telegram 9189 from Seoul, October 14, Gleysteen said “I would like to emphasize one other obvious point about the conventional arms talks. If we are ever going to talk to the Soviets about any kind of mutual restraint agreements in Korea, I assume we will have the courtesy and good sense to review what we have in mind with the Koreans before we start talking to Soviets. If we don’t, we will be in deep trouble.” (National Archives, RG 59, Central Foreign Policy File, D780420–0344) He repeated this in telegram 10395 from Seoul, November 20. (National Archives, RG 59, Central Foreign Policy File, D780523–0064)

Christopher replied that we cannot reach any form of agreement, even *ad referendum* with the Soviets. That would be getting too far out ahead of our allies. However, he does not think that we can construct an agenda containing only the things we want to talk about. He also feels that if we did this the African countries would feel singled out.

Blechman argued that we cannot ignore the history of these negotiations. *We* had insisted on the regional focus, and *we* had proposed Latin America and Africa. We had told the Soviets that any regional area which possessed geographical coherence and reflected politico-military realities could be presented as a valid candidate for regional restraint, though that did not mean we would agree to discuss it. Therefore, how could we refuse to even hear the Soviet proposals?

Brzezinski replied that listening is a form of negotiating and that we have to be sensitive to overriding political realities. The very fact that these negotiations are taking place is sensitive. Keeny remarked that he does not know of a single case in an arms control negotiation where we have refused to let another side talk about something relevant to the substance of the talks. Aaron replied that these are not arms control negotiations—they go to the heart of our relations with other nations.

Brzezinski then proposed that we let the Soviets make their case on these regions in the context of arguing over the *agenda* for the meeting, while not agreeing to their inclusion on the agreed agenda itself. At least then we would not just be sitting and listening. Keeny argued that there might be some real possibilities for restraint in Korea, therefore let's listen. Sayre Stevens remarked that advanced weapons for North Korea can only come from the USSR, not from China, and that the current relationship might change and the Soviets might resume arms shipments to North Korea. Brown said that it was not clear whether Brzezinski's clever suggestion would work but it was worth a try.

Brzezinski asked why the delegation had not proposed discussing arms transfers to Vietnam. Failure to do so appeared to signal an attitude that was not sufficiently sensitive to wider political concerns. Gelb replied that Vietnam had been considered. He personally had nothing against raising it—in fact it might be a good idea. However, we could not talk about transfers to a single country without reference to its neighbors—that is the essence of the regional approach we are following as directed by the President. In this case the regional experts in State and the other agencies had strongly opposed having the US raise the Southeast Asian region. He wanted to make clear that the CAT delegation was not trying to prejudice US interests, but was carrying out an exercise based on Presidential directives.

Gelb stated that if you put the agenda to the test Brzezinski was suggesting the talks are doomed to failure. He asked whether the CAT

negotiations are worth the risk that the Soviets would not agree to such an agenda. Christopher added that the real question was whether we were prepared to hear what they had to say and then to reject those areas we don't want to talk about. Gelb noted that this was just what the delegation was proposing should be done, but that the Soviets would not agree to only address areas that are in the US interest.

Brzezinski then had to leave and wanted to summarize his position. He felt that we should first discuss the agenda, letting the Soviets make their case on Korea, if necessary, in that context. We should then make our pitch on Soviet transfers to Vietnam and then we should proceed to discuss Latin America and Africa as roughly symmetrical regional topics. If the Soviets won't agree to proceed on this basis, then we will know that the reason they are interested in CAT is to use CAT to affect our relationships with our allies.

Gelb remarked that from the very beginning, the prospect of the US and the USSR working together for restraint has been inherent in this enterprise. There *is* a risk to our relationships with our friends and allies, but the question is whether we can accept that risk. Our allies like Korea are big boys. Why can't we go to them and tell them that the Soviets are likely to raise their region and that we will listen in response. He disagreed with Brown's earlier remark that the Gleysteen cable was negative. Our plan was to consult with the Koreans before the round and if they strongly objected, we would tell the Soviets that Korea was not an appropriate topic. Brown asked whether we also planned to consult beforehand with Iran. Gelb replied that he had personally briefed the Shah on CAT about ten months ago.<sup>4</sup> The Shah was quite relaxed about it. Brown replied that that was a different era and the Shah would not feel the same now, whereas the Koreans may be more relaxed now than previously. He felt that we had a wider spectrum of alternatives in dealing with Korea than with the Shah, but that active discussion was not an option in either case.

Christopher asked what the negotiators felt about having a discussion at the beginning of the talks on what should be discussed. Gelb replied that such a discussion would be fruitless, and would only lead to a stalemate. In essence to do this would amount to a decision to end the talks. Blechman agreed, saying that we had thought that Mexico City<sup>5</sup> would be a test of the Russians and now we are finding that it is a test of ourselves. Keeny said that getting other suppliers to cooperate in arms restraint is the President's policy. If we don't want to pursue it, we should put the issue to him and let him decide. McGiffert noted that

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<sup>4</sup> Gelb met with the Shah on February 5. No record of their meeting was found.

<sup>5</sup> The next round of Comprehensive Arms Talks were scheduled for December 5–15 in Mexico City.

our unilateral restraint policy was prefaced by the need to protect US national security interests.

Brown stated that walking out might be the appropriate response on Iran. Gelb asked Brown what his objective was in that strategy. Brown replied that progress in this round of CAT was too high a price to pay if Iran were to be further destabilized, or if we had to go through another round of reassuring the Koreans, such as he had just been through in the past year. Gelb asked why he thought that explaining to the government of Iran what might happen would lead to such destabilization. Brown replied that it was simply the fact that the talks were going on. Keeny argued that this issue is not related to the current situation in Iran. Brown agreed but argued that these discussions would make the situation very much worse. Keeny replied that if that were true then we should break off the talks, but he was challenging the basic thesis that the fact of something being brought up would have such cosmic implications. Aaron asked whether listening to the Soviets on Iran was more important than making progress on Latin America and Africa. Blechman answered that in order to make progress we must be prepared to listen. Secretary Brown then had to leave.

Aaron then said that he would try to frame the issues. First, do we try to negotiate an agenda at the beginning of the talks. Our position on Korea and on China is that we would simply not discuss it. On the region including Iran there are options. We could be prepared to discuss it. We could listen and then exclude it. Or we could treat it like China as not being an appropriate matter for discussion. Christopher said that this position was that Iran belonged in the same category as China. Blechman said that we should listen to the Soviet proposal and then deflect the discussion to a sub-region, namely the Yemens. McGiffert said that Iran should be treated like China.

Christopher asked what our experience has been. Will the Soviets persist in pursuing this region, or will they heed our warning? Gelb replied that they will persist. Keeny asked what we would do if they do persist. McGiffert said the US should walk out. Gelb disagreed with the State Department's position on how to treat Iran. He disagreed also with Brown's assessment of what will happen in Iran if we consult with them. These kinds of problems in our bilateral relations can be easily managed at the stage where we now are with the Soviets which is essentially ground zero. If we stonewall on this region, in his opinion we put the talks at serious risk. If we want to do that there should be explicit guidance from the President. Aaron said that we would need an official State Department position on whether or not we should consult in advance of the round with the government of Iran. He noted that the Shah may consider this the last straw and would surely wonder what our intentions are. We should keep a sense of perspective. We had de-

veloped areas of mutual interest (Latin America and Africa). Now, when the Soviets were proposing to discuss our vital interests, we are preparing to talk about them. Gelb and Blechman strongly disagreed with this analysis.

Aaron said that there were several other areas that needed discussion. If all these issues are resolved, how far can we go in CAT without our key allies? We have gotten a positive response to the President's message from the British, but nothing from the French. Christopher replied that he did not rule out the possibility of another meeting with the Soviets if progress is made at Round IV. However, he did not feel we should reach any agreements, even *ad referendum*. But the delegation should be authorized to agree in principle to another CAT meeting, if the date was set far enough in advance so that there would be time for consultations with our allies. Gelb added that there was also the possibility of scheduling meetings of the Working Groups in between the formal rounds. General Jones said that there should be no more meetings until we demonstrate progress with the allies. Working Group meetings on Africa might be all right if we uncover areas of real interest. McGiffert said that any decision on further meetings should be made in Washington, not by the delegation. Aaron added that today's meeting had revealed the great sensitivity that existed over these talks, so that coming back to Washington for a decision certainly seems warranted. Blechman asked whether that also applied to working group meetings on the criteria and on Latin America and Africa: areas where the US wants to press ahead? McGiffert said there was a serious problem with Latin America because of the MIG-23s in Cuba. Aaron emphasized that CAT was not the forum in which to discuss MIGs in Cuba, though Cuba is included in our proposals for regional restraint in Latin America. Christopher repeated that the Department of State supported the guidance as drafted in the interagency paper, giving the delegation authority to schedule additional rounds and meetings based on its view of progress made in this round. On Africa, State favored a US proposal covering only sub-Saharan Africa, not the whole continent. Later the region could be broadened to include all of Africa. He would like a question to be posed to the President on the fundamental issue of whether to go forward with CAT. He favored doing so. He then had to leave the meeting.

Blechman asked whether the decision paper for the President would be cleared among the agencies. Aaron replied that we would try to faithfully reflect the discussion. If any agency feels it necessary, it is free to contribute its own paper.

Aaron then raised the issue posed in the interagency paper of whether we should table a proposal on Latin America at this round, or simply explore possible options. McGiffert asked what State felt about

Mexico's views on this. Jones added that we must be particularly sensitive about Mexico's views since the meeting will be in Mexico City. We have to be careful that the suppliers do not get out in front of the recipients. Gelb answered that the Mexicans have no objection to our tabling a proposal. What they would object to is any form of agreement on a proposal. State favored tabling a proposal. Keeny said that ACDA agreed. McGiffert favored exploring options but making no proposal. Gelb noted that there are many things about the Mexican proposal with which we disagree. Aaron asked whether we have consulted with Brazil on our proposal. Gelb said that we have talked to them about our general approach but not about the specifics. We have not told any other government about the specifics, but we have briefed Brazil and many of the other Latin American countries in some detail on our general approach. McGiffert noted that although we had weapons lists for Latin America it was not clear exactly what proposal the delegation would be tabling. Aaron directed the Interagency Group to prepare a specific proposal for approval prior to the talks.

Turning to Africa, Aaron felt that there is a political asymmetry between Latin America and Africa, and that if the Soviets did not appear serious about discussing concrete proposals on Africa, that perhaps we should not make a concrete proposal on Latin America. Since Latin America is in our backyard it would not make sense to talk in detail about Latin America, but not about Africa. Gelb responded that any proposal that the delegation was authorized to make would presumably be approved because it was in our interest. He did not therefore see the linkage between the two regions that Aaron was suggesting. Aaron replied that the linkage was there, and was important. On the scope of the Africa proposal, Gelb explained that Secretary Vance was afraid that a proposal on all of Africa might affect the current Middle East talks because of Libya, and so for this round we should stay with sub-Saharan Africa. In the long run we would hold out the possibility for expanding the region to all of Africa minus Egypt. All agreed. Gelb added that since everybody else was doing so, he would also like to make a statement for the record. The delegation is not proposing things because the Soviets will like it or not like it. The issue is not how to make the Soviets happy, but how to frame a proposal which is both negotiable and in the US interest. Aaron said that the question is what is in our interest?

Gelb said that on Africa State would like authorization for both Options 1 and 2. He would not oppose sending this issue back to Washington during the round, but there is a problem because of the short duration of the round—only seven working days. Stevens asked whether the first option didn't mean that the US couldn't change the existing arms balance in Africa. Blechman responded that the idea was to make



as far reaching a proposal as possible since restraint is clearly in our interest in Africa because the Soviet Union is transferring so much more than we. McGiffert favored instructing the delegation to have a general discussion with the Soviets on Africa. If they show interest, the delegation should report back to Washington which will then decide whether a proposal should be tabled and what it would be. Gelb said that approach would not work, and that after all this time we ought to be able to approve or disapprove the options as drafted. Keeny favored approval of both options, with a preference for Option 1. Aaron agreed with McGiffert's view that the delegation should check back with Washington for approval during the round. Gelb said that objections to the weapons lists (which had already been cleared by all agencies involved) should be raised here and worked out before the round. Blechman and Keeny added that the delegation was not asking for authority to make changes in the options, but rather for authority to table a pre-authorized option. McGiffert said that the delegation should explore the possibilities for limitations of less sophisticated weapons systems. If there is interest, report back to Washington. General Jones agreed. Aaron said that the Interagency Group should prepare precise formulations of the two options which would then be considered for approval. Gelb emphasized that State's position was that the delegation have the power to proceed once the proposal was approved.

On the question of how to approach the control of the transfer of technology and coproduction in CAT, McGiffert argued that it be treated only as a means of assuring noncircumvention of agreed restraint regimes, and not as a separate criterion. Keeny argued that since control of coproduction and technology is an important part of our unilateral restraint policy, it makes sense to seek to apply the same limitations to the Soviets. It should therefore be treated as a separate criterion. Jones and Gelb both favored treating coproduction as a non-circumvention issue. Gelb noted however that he understood ACDA's argument and felt that the issue should be posed in that manner for the President.

304. Paper Prepared in the National Security Council<sup>1</sup>

Washington, undated

*CAT IV: GUIDANCE FOR THE US DELEGATION**I. OVERALL GUIDANCE**A. Objectives*

We continue to seek concrete steps toward international restraint in arms transfers. Toward this goal, we must move forward with the Soviets, with other suppliers, and with recipients simultaneously, but seek to avoid a lack of movement in one or two of these areas from precluding progress in the third. We want to avoid consideration of the sensitive areas of East Asia and West Asia and focus on regions where our strategic interests in terms of arms transfers are not directly engaged, such as Africa and Latin America.

*B. Summary of Our Approach in Mexico City*

We will press on two tracks: substantive and procedural. Each track should be compatible with the other, but capable of independent results.

1. Substantively, the Delegation should seek detailed exploration in CAT IV of interim arms transfer restraint measures (IRMs) for Latin America and Africa. Any interim agreement arrangement would limit new commitments, be of finite and relatively short duration, and could be subject to modification as others joined the dialogue. (Detailed guidance contained in regional sections.) [Because limitation on new commitments would permit delivery of pipeline items, the Delegation should insist that the Soviets advise us of their existing commitments to these regions.]

We expect Soviet regional proposals to focus initially on East Asia (PRC, ROK/DPRK) and West Asia (Persian Gulf). [Before the round begins, the US Head of Delegation should inform the Soviet Head of Delegation that concrete progress toward restraint in Africa and Latin America is in our mutual interest. He should also inform him that we are not prepared to discuss either East Asia or West Asia. He should state that if the Soviets press us on these two regions, the Head of the US Delegation will have to seek instructions from Washington before

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Office File, Subject Chron File, Box 123, Vance, Miscellaneous Conversations With: 10-12/78. Secret. Sent as an attachment to a November 29 memorandum from Brzezinski to Christopher. (Ibid.) All brackets are in the original.

proceeding with this round.] (Detailed guidance on dealing with anticipated Soviet regional proposals is contained in regional sections.)

We are prepared to put forward a proposal on Africa and Latin America. We are willing to put forward the former alone but not the latter.

We also seek continued progress toward agreement on the criteria to govern arms transfers, which would form the basis of the overall framework for restraint. We need to ensure in this round that work proceeds on the military/technical criteria and on political/legal criteria consistent with our own policies. Also in this round, we should elicit a Soviet commitment to the establishment of, and detailed discussions of the nature of, the consultative mechanism through which restraint would be implemented.

2. Procedurally, we seek, over the long term, a series of supplier/recipient consultations, each organized for a different region. These consultations would discuss both the overall framework for restraint and interim restraint measures. Any US/Soviet IRM which previously had been agreed upon could be confirmed or modified as a result of such meetings. These consultations could precede more formal joint supplier-recipient conferences, and may themselves have to be preceded by discussions among recipients alone, and among suppliers alone. The latter could take the form of a series of US-other suppliers bilaterals. We will have to probe Soviet views on this question in Mexico City.

### *C. Other Suppliers*

[It is neither desirable nor necessary to anticipate or plan our specific approaches to other suppliers until we have a clearer idea as to the nature and scope of possible US-Soviet agreements. In the discussions, the Delegation should not take issue with the principle that long-term comprehensive restraint measures require participation by all major suppliers. But it should maintain that certain interim US-Soviet restraints affecting particular weapons transfers to specific regions or sub-regions can make sense as bilateral measures and can provide a basis for broader and more durable arrangements involving other suppliers and recipients. The Delegation should stress that more substantial US-Soviet progress in moving toward concrete restraint arrangements is needed to help bring other suppliers along. If the Soviets press the argument that certain bilateral restraints could be circumvented by other suppliers, the Delegation could note that, in such cases, at the very least, we would seek their agreement to avoid actions that would upset such interim measures. The Delegation, however, should make clear to the Soviets in CAT IV that the US will not and cannot speak for our Allies on questions of arms transfers. If a specific bilateral agree-

ment is in sight, the Delegation should report to Washington so that appropriate consultations can be held with the Allies and so that the Delegation can receive instructions on how to relate such an agreement to the positions of the other suppliers.]

The Delegation should deal with the anticipated Soviet suggestion of holding a multilateral suppliers meeting by arguing that serious and systematic bilaterals between the US and the USSR and between each of us and our major allies would be the best way to proceed in the near term. These consultations would help ensure that suppliers would bring a reasonably consistent position into joint supplier-recipient conferences, build suppliers' support for interim restraint measures, and develop a comprehensive framework for restraint based upon criteria and consultative mechanisms. (The Delegation should not rule out the possibility of a multilateral suppliers' meeting following intensive bilaterals as a prelude to supplier-recipient consultations and a supplier-recipient conference.)

#### *D. Further Negotiations*

[Over the near term, we wish to sustain the momentum of US-Soviet negotiations during the coming year, so long as CAT is not exploited by the Soviets to disadvantage our sensitive relationships in East and West Asia. The Delegation should seek prior Washington approval before agreeing on a schedule for further negotiations, either at the Delegation or working level. In determining a future schedule, we should be mindful of the unique and difficult character of the initiative and should not establish unreasonable expectations for progress in the CAT IV round.]

## II. REGIONAL GUIDANCE

### *A. Latin America*

1. *Objectives.* As a general strategy, the Delegation should discuss with the Soviet Union the emerging regional initiative, including: (1) Mexico's key role since the merger of the two initiatives<sup>2</sup> and the apparent development in Latin America of a consensus on the need for wide regional participation, (2) elements of restraint concepts devel-

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<sup>2</sup> Reference is to the June 17 pledge by Carter and Presidents Lopéz Michelsen of Colombia, Quirós of Costa Rica, and Pérez of Venezuela, the Chief of Government Omar Torrijos of Panama, and Prime Minister of Jamaica Manley to combine their support for the Treaty of Tlatelolco with their support for the Ayacucho Declaration to limit the supply and purchase of conventional arms. ("Joint Statement by the United States and Latin America: Treaty of Tlatelolco, the Organization of the American states, and Arms Transfers [Extract]," *Documents on Disarmament*, 1978, p. 391)

oped at August Mexico City meeting<sup>3</sup> (including both transfer restraints and other restraint-related measures), (3) importance of suppliers supporting this initiative and helping to keep momentum, (4) sensitivity of recipients to appearance of supplier-imposed restraints, (5) significance of our showing support for the prospective supplier-recipient conference as a means of establishing an effective restraint regime. The Delegation should be alert to avoid any discussions which could be understood as narrowing or undermining the 1962 US/USSR Understandings on offensive weapons in Cuba.<sup>4</sup>

## 2. *Interim Restraint Measures*

### (a) Political/Diplomatic Measures

(1) Regarding the second Mexican note,<sup>5</sup> the Delegation should propose that:

—the thrust of this reply should be to support in principle appropriate regional arrangements to restrain transfers of conventional weapons, *while reserving the right to consider specific regional proposals which the Latin Americans may develop.*

—replies should emphasize the need for progress on regional arrangements such that Latin American recipients will be ready for consultations in 1979 with suppliers as part of the preparatory work for a formal supplier-recipient conference.

—replies should mention the recent UN SSOD endorsement of supplier-recipient coordination of arms transfer restraint<sup>6</sup> and indicate the importance of restraint to be considered in other appropriate regions as part of a global concept.

—replies should be through the vehicle of a private diplomatic note delivered before March 1979. The Delegation should indicate that we are prepared to go ahead with our note even if the USSR is unwilling to do so.

(FYI: Replies should not include endorsement of restraints on use of conventional weapons. Although a general reference could be given

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<sup>3</sup> A report on the Latin American and Caribbean Conventional Weapons meeting held in Mexico City is in telegram 14169 from Mexico City, August 28. (National Archives, RG 59, Central Foreign Policy File, D780351–1056)

<sup>4</sup> The 1962 Cuban Missile Crisis ended when the Soviet Union agreed to withdraw all offensive nuclear weapons from Cuba. The United States in turn agreed not to invade Cuba and withdrew offensive nuclear weapons from Turkey.

<sup>5</sup> Not found. Telegram 17638 from Mexico, October 24, reported that a second major note to major arms suppliers “would be made available to the U.S. Thursday October 26.” (National Archives, RG 59, Central Foreign Policy File, D780438–0614) The first note, also not found, was sent in August. (Telegram 260203 to Mexico, October 14; National Archives, RG 59, Central Foreign Policy File, D780420–0885)

<sup>6</sup> See Document 299.

to the Geneva Conference on Special Weapons, that should not be the first nor the primary forum for issuing statements of support for Latin American restraint initiatives.)

(2) Regarding public support for Latin American restraint, the Delegation should propose language for a joint communique that:

—endorses the Latin American restraint initiative in the context of the UN SSOD Program of Action, noting the former's origins in the Declaration of Ayacucho.

—expresses willingness in principle to honor regional restraint arrangements, in Latin America and in other regions.

#### (b) Interim Weapons Restraint Proposals

Regarding specific weapons restraint proposals, the Delegation should explore region-wide restraint possibilities. [After the exploratory discussions, the Delegation is authorized to table an *ad referendum* proposal, subject to consultations with other major suppliers. The Delegation should seek further guidance as to the content of a specific proposal. In addressing specific proposals, we should take into account the Mexican initiative for regional restraint.]

#### (c) Supplier Consultations

Regarding further suppliers' consultations on Latin America, the Delegation should stress the need for sustained US-Soviet bilaterals and suggest that we each hold such bilaterals with our respective allies as a means of developing a consistent approach toward restraint in Latin America for discussions at a supplier-recipient conference or informal supplier-recipient consultations which could precede such a conference. The sensitivity of the region to multilateral suppliers' meetings should be emphasized, but not so as to rule out the possibility of a suppliers' conference.

### B. Africa

#### 1. Objectives

Our long-term goal is to see African disputes settled through negotiation and not by force of arms; we believe that the available resources of Africa and of its friends should be used for economic and social progress on the continent.

The current and projected levels of arms transfers to Africa work against these goals, and thus our objective is a meaningful agreement on arms transfer restraint. Specifically, we want to see a reduction in the flow of Soviet arms to Africa.

#### 2. Overall Tactics

The Soviets see Africa as a place *we* want to discuss because the trend of events is running against us. During Round IV, they will try to

condition further discussion of restraint in Africa on our agreement to discuss other areas of interest to them. Indeed, even if the Soviets come to agree upon meaningful restraint in Africa, they will probably look for trade-offs from us outside Africa, for the simple reason that our arms transfers to Africa are minimal.

[Thus, our key tactic at Mexico City must be to make the Soviets see that a restraint agreement in Africa is in our mutual interest—whether or not we agree to discuss the areas of primary interest to the Soviets.]

### *3. Courses of Action and Proposals*

In addition to the general tactics outlined above and assuming that we are able to bring the Soviets to further discussion of Africa, the Delegation will propose the following courses of action.

#### *(a) The Region Defined: Sub-Saharan Africa*

Consistent with guidance for round III, an African proposal should cover sub-Saharan Africa. The Delegation should, as necessary, indicate that we would also be willing to discuss northwest Africa, but under no circumstances Egypt.

#### *(b) Region-wide Interim Weapons Restraint Proposals*

[The Delegation is authorized to explore interim restraint possibilities and to make a proposal for Africa. The Delegation should seek further guidance on what specific proposal to table. The Delegation should make clear that the US is prepared to implement such interim restraint measures bilaterally.]

#### *(c) High Tension Areas*

Along with Africa-wide interim restraint, the Delegation should press for discussion and eventual agreement on additional arms transfer restraint in certain areas of particularly high tension. The region-wide IRM may be viewed as the preliminary evidence of our mutual intention to restrain arms flows. The discussions on the high tension areas will give more substance to our region-wide undertakings and allow all parties to demonstrate that they are striving for meaningful agreements.

If region-wide restraint is deemed insufficient, our aim will be further and more specific arms restraint in certain areas, with the ultimate aim of reducing tensions and avoiding possible confrontations. The priority areas for such discussions are Angola/Zaire and Ethiopia/Somalia and at some point North Africa and Southern Africa. In each of the priority areas we would point to our own restraint and suggest the Soviets take reciprocal measures. If the Soviets choose to raise other countries, we would be prepared to consider them as long as they fit with our overall objectives.

*(d) Political/Diplomatic Initiatives*

The US should not make demarches to African states until we see the Soviet reaction at Mexico City. However, the Delegation could agree to the issuance of a joint public statement at the end of the session that would encourage regional initiatives.

*C. Asia**1. East Asia*

The Soviets have made it clear they intend to raise the question of China within the context of their East Asia proposal. [Prior to the official start of the round, the head of Delegation should reiterate what we have told the Soviets informally—namely:

—That as far as we are concerned, East Asia is not an appropriate topic for the talks, and we will have no comment to make;

—state that to address East Asia in the CAT context would be too much of a burden for CAT and would doom the talks to failure; and

—firmly refuse to discuss the subject, ask no questions, make no proposals, and not agree to inclusion of this area on the agenda. Tell them that if they persist, the US Delegation will have to seek instructions from Washington prior to proceeding with the formal discussion.]

The same applies to both China and Korea.

*2. Southeast Asia*

The Soviets have indicated that they will not raise the Southeast Asian sub-region. However, if they reverse their position and do so, the Delegation should:

—listen to what the Soviets have to say and ask questions to clarify the proposal; and

—not offer any US counter-proposals.

*3. West Asia*

Particularly because of the current delicate internal situation in Iran, but also due to other factors, it is not in the US interest to raise the West Asian area at this time. However, we can expect that the Soviet side will raise the area for discussion.

[Prior to the round, the head of Delegation should inform the Soviets that it is not appropriate to discuss this region at this time, and take the same position as on East Asia.]

*4. South Asia*

The Soviets have indicated they will not raise the South Asian sub-region. However, if they reverse their position and do so, the Delegation should:

—listen to what the Soviets have to say, ask questions to clarify the proposal, but not offer any US counter-proposals.



### III. FUNCTIONAL GUIDANCE

#### *A. Military/Technical Criteria*

The Soviets have stated that they will table their own military/technical criteria at Round IV. We should be prepared to discuss these criteria in conjunction with the eight military/technical criteria which the US side tabled in Round III, with the aim of reaching agreement. We should also be prepared to discuss such supporting measures as controls on retransfers, arms sales promotional activities and physical security, as appropriate. Controls on the transfer of weapons manufacturing technology<sup>7</sup> should be sought as necessary to prevent circumvention of other agreed restraints on transfers of weapons themselves. Thus, co-production controls should be sought only for weapons whose transfer is restrained pursuant to military/technical criteria.

#### *B. Political/Legal Criteria*

With respect to political/legal criteria, the Delegation should continue the discussions which began at the third round on the parallel US and Soviet drafts. To the extent consistent with the position paper on political/legal criteria prepared for the third round,<sup>8</sup> the Delegation should work with the Soviet side to develop mutually acceptable criteria. However, these efforts should be coordinated with the pace and tenor of the discussions on the other CAT issues, particularly the military/technical criteria, so that agreement on political/legal criteria does not take place prematurely.

#### *C. Consultative Mechanism*

The Delegation is authorized to build upon the presentation in Round III to seek agreement on the establishment of, and the functions of, a consultative mechanism to refine and implement the understandings arrived at by the two sides in the CAT rounds. The Delegation is also authorized to present, for purposes of discussion, illustrative examples of how such a mechanism might be structured and to seek Soviet responses in order to refine our own approach to the question. In particular, the Delegation should seek Soviet thoughts as to the best way to structure multilateral consultations. Any consultative mechanism should be designed to implement agreed restraint measures.

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<sup>7</sup> Defined as co-production, licensed production, or co-assembly. [Footnote is in the original.]

<sup>8</sup> Not found.

### 305. Telegram From the Department of State to All American Republic Diplomatic Posts<sup>1</sup>

Washington, January 17, 1979, 2156Z

12960. Subject: Conventional Arms Transfers: Debrief on US-Soviet Talks. Refs: (A) State 216300,<sup>2</sup> (B) State 319188,<sup>3</sup> (C) State 307629<sup>4</sup> (D) State 322255.<sup>5</sup>

1. (U) Posts may at discretion draw on following to brief host governments on fourth round of US-Soviet CAT talks, held in Mexico City December 5–15. Joint communiqué was transmitted in Ref B.

2. (S) During the third round with the Soviets in July we reached a general understanding that we would proceed in these talks to discuss political-legal criteria, military-technical criteria and the regional application of these criteria. When we met for the fourth round in Mexico City, we were not able to reach agreement on terms of reference for the regional part of the discussions, and therefore decided to drop that part of the discussion for this round.

3. (S) Accordingly, the work of this round focused on general criteria. The political-legal working group continued its discussion of criteria and made considerable progress in developing a common text, although significant differences remain.

4. (S) Regarding military-technical criteria, the Soviet side for the first time came forward with its ideas. In a number of areas the Soviet criteria bear similarities to the ideas we had put forward, in other areas we are still quite far apart. No date has been set for the next round, but it will be held in Helsinki.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790024–0450. Secret; Immediate. Sent for information to USUN, the Mission in Geneva, and Moscow. Drafted by George Jones (ARA/RPP) and Priscilla Clapp (PM); Ralph Johnson (ARA/RPP), John Bushnell (ARA), Lorna Watson (ACDA), and Michael Eshes (AF/I); and approved by Gelb (PM).

<sup>2</sup> See Document 296.

<sup>3</sup> Telegram 319188 to XX, December 19, 1978, contained the text of a joint U.S.–USSR communiqué about the December 5–15 Conventional Arms Limitation talks in Mexico City. (National Archives, RG 59, Central Foreign Policy File, D780524–1038)

<sup>4</sup> Telegram 307629 to all diplomatic posts, December 6, 1978, informed all diplomatic posts of the December 5–15 Conventional Arms Limitation talks in Mexico City. (National Archives, RG 59, Central Foreign Policy File, D780502–1073)

<sup>5</sup> In Telegram 322255 to Mexico, December 22, 1978, the United States Government told the Government of Mexico that it “views with favor the proposal to convene, at an appropriate time, a conference to discuss the regulation of international transfers of arms into the Latin American region” and “would welcome the opportunity to participate.” (National Archives, RG 59, Central Foreign Policy File, D780530–0906)

5. (S) In sum, we did not make progress on regional issues, but we did make limited progress on the general criteria. We continue to believe that discussions about the regional application of criteria are essential if arms transfer restraint is to be meaningful, and we hope that these discussions about specific regions can be resumed in the next round.

6. (S) However, regardless of how US-Soviet talks develop, there is no reason why recipient countries cannot move ahead in developing their own consensus on conventional arms restraint. They have a clear mandate to do so from UNSSOD, and supplier countries have a mandate to cooperate. FYI. Government of Mexico sought, as did US, a clear statement of support for the Latin American initiative in the CAT IV communique. The final language was as far as the USSR was prepared to go, and it would not have gone that far were it not for threat by GOM to denounce both powers publicly for their failure to respond to Mexican expression of interest. End FYI.

7. (C) Accordingly, US has responded positively (Ref D) to Mexican diplomatic requests for endorsement of its initiative and for an indication of willingness to respect restraint agreements Latin American States may reach. As secretary pro-tem of 20-nation group,<sup>6</sup> Mexico hopes to obtain agreement to a meeting for March 1979 in Quito to set up a permanent consultative mechanism on arms restraint and begin the identification of types of restraints that might be broadly acceptable. Venezuela has told US that the Ayacucho initiative has been folded into the larger effort and that it fully supports the 20-nation group. (However, it would prefer a date other than March because of the change of government that month in Venezuela.)

8. (C) Because the restraint initiative is a Latin American effort, and must remain so if it is to succeed, the degree to which the US can become involved, even behind the scenes, is limited. However, we continue to be interested in following developments closely and would appreciate your reports of public or private comments by host governments on either the US-Soviet talks or the Latin American initiative.

**Vance**

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<sup>6</sup> The Latin America and Caribbean Conventional Arms Restraint Group.

**306. Memorandum From Secretary of Defense Brown to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, April 28, 1979

SUBJECT

Conventional Arms Transfer (CAT) Talks (U)

(S) On March 6, 1979 a mini-SCC meeting was held<sup>2</sup> to determine an appropriate response to the Soviet proposal that the Conventional Arms Transfer (CAT) Talks be reconvened.<sup>3</sup> At that meeting it was decided to explore alternative approaches for establishing an agreed agenda for the next round of negotiations. The following considerations reflect the views of the Department of Defense on that subject.

(S) The Department of Defense has been supportive of conventional arms transfer (CAT) restraint to the extent that it promotes collective security by seeking to limit unrestrained and potentially destabilizing transfers. In this regard, Defense has consistently held that concrete regional application is essential for any meaningful CAT restraint regime. Moreover, it is the DOD position that an appropriate means be found to test the willingness of the Soviets to commit themselves to concrete restraint without establishing the legitimacy of Soviet-proposed regions.

(S) Defense believes the approach offering the best prospect for success is one that would allow the talks to proceed with the understanding that each side would be allowed to nominate regions for restraint but that actual restraint proposals could not be presented until both sides agreed on the appropriateness of a candidate region. Given the exemptions and exclusions previously identified by each side, these ground rules would most likely lead to a discussion of Africa, if discussion of any region is in fact possible.

(S) Defense views sub-Saharan Africa as the best prospective regional candidate, as US and Soviet interests are not as directly engaged there as they are elsewhere. There are practical advantages in seeking restraint in Africa, given both existing legal and political constraints on

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 78, 1977 Arms Transfer/FMS Policy. Secret.

<sup>2</sup> No minutes or summary of conclusions for this meeting have been found.

<sup>3</sup> McGiffert informed Brown that the Soviets had proposed that the CAT talks be resumed on March 20 however the "United States put them off temporarily, but the Soviets are expected to raise the issue at the summit [in Vienna scheduled for June]." (Memorandum from McGiffert to Brown, April 13; Ibid.)

US arms transfers to the area and demonstrated willingness by the Soviets to devote massive military assistance resources in an effort to expand their influence in the region.

(S) The United States should not, however, entertain discussion of Soviet-proposed regions merely as a quid pro quo for Soviet agreement to discuss Africa. Guidance for the Mexico City round was necessary tactically to establish this point with the Soviets firmly. Having established that position, the United States must not allow the Soviets to exploit the current impasse by focusing the talks on general principles which they consider essential while ignoring the regional discussions which we consider essential. Such exploitation would be effectively blunted by making agreement on candidate regions a pre-condition of actual restraint proposals.

(U) The Chairman, Joint Chiefs of Staff, concurs in this memorandum.

**Harold Brown**

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**307. Memorandum From the Director of the Arms Control and Disarmament Agency (Seignious) to Secretary of State Vance<sup>1</sup>**

Washington, May 3, 1979

SUBJECT

Conventional Arms Transfer Talks

The Conventional Arms Transfer talks with the Soviets are now at an important juncture, given the continued impasse over regions and inability to schedule a new round of talks. I believe it is critical, both for other US arms control objectives and for overall US-Soviet relations, particularly in view of the upcoming summit,<sup>2</sup> that we be in a position to move these talks forward in a constructive manner.

I find quite promising the April 28th proposal of Secretary Brown,<sup>3</sup> under which both sides would be free to make their case for inclusion

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Bloomfield/Oplinger, Box 31, Chron: 5/79. Secret.

<sup>2</sup> Reference is to the Summit held between Carter and Brezhnev in Vienna, June 15–18, 1979. See Document 309.

<sup>3</sup> See Document 306.

of particular regions in a restraint regime, but actual restraint proposals would be limited to those regions which both sides had accepted. We are prepared to support this constructive proposal, with two caveats.

First, I believe that the US should be prepared to listen to Soviet regional presentations at Round V on their merits, and make no comment. I favor presenting our substantive responses, whether rejection or counterproposal, at Round VI. Second, the negotiations should proceed on other important agenda items while regional issues were being resolved. Particularly important are the continued drafting of common criteria and the development of a consultative mechanism; such agreement would be a necessary prerequisite for effective regional restraint and also would offer an opportunity to apply restraints on transfers of certain weapons on a global basis.

I recommend that you convene a PRC at an early date to consider Secretary Brown's initiative.

**George M. Seignious II<sup>4</sup>**

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<sup>4</sup> Seignious signed the memorandum "George."

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### **308. Telegram From the Embassy in the United Kingdom to the Department of State<sup>1</sup>**

London, June 7, 1979, 1526Z

11183. For EUR, PM, ACDA, and NSC only. Subject: Conventional Arms Transfer Restraint.

1. (C—Entire text). Summary: Embassy recommends that USG consider renewed effort to secure some greater measure of accord among the major Western suppliers on arms transfer issues before moving to any agreement on the subject with the USSR. While acknowledging the difficulties of achieving greater western accord, we believe recent developments and evolving attitudes make another effort worthwhile. In the absence of greater Western accord, any super power agreement may further divide us from our allies on these issues. End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790258-0646. Confidential; Priority; Exdis. Sent for information to Paris and Bonn.

2. The prospect of a renewal of US discussions with the Soviets on conventional arms transfer restraint raises once again the problem of involving the other major suppliers—our principal allies—Britain, France and Germany. Each of these governments has, to a varying degree, questioned the wisdom of the US approach to its own arms sales, and has expressed skepticism regarding the prospects for securing meaningful Soviet cooperation along the lines envisaged by the USG. None of our allies has been willing to accept the kinds of constraints which the US has imposed on itself, although the FRG has restrictions of its own which are in some respects even more far reaching.

3. Clearly no US/Soviet effort at mutual restraint can be long maintained without cooperation from the other major suppliers. Western cooperation is, in and of itself, an important objective, in some instances more important than achieving Soviet restraint. The major arms sales competition in the third world is not, after all, East-West, but intra-Western; recipient countries switching much more easily among Western suppliers than between East and West.

4. Our allies have maintained that they could not be expected to accept cooperative restraints unless the Soviets could be brought in as well. One should not conclude from these statements that a US/Soviet agreement would in fact lead our allies to cooperate. On the contrary, it may stimulate their suspicions and reinforce their determination not to accept any external constraints. In the UK, the new government, not having been party to our earlier consultations on this issue, could react negatively to any US/Soviet accord it experienced as impacting on the UK's freedom of action. It is also instructive to note that as the prospect for US agreement with the Soviets seemed to come closer, in 1977–78, the French became progressively less cooperative, eventually vetoing further quadripartite consultations,<sup>2</sup> and refusing to do more than listen to US briefings.

5. These considerations lead us to conclude that unless some greater measure of accord among the Western suppliers is achieved prior to any US/Soviet agreement, such a super power agreement may divide US from our allies even further on this issue. We recognize the difficulty of achieving today an agreement among Western suppliers which eluded US two years ago. Nevertheless, there are several new factors which make another effort worthwhile. First, events in Iran have illustrated the political—and even commercial—folly of unrestrained competition among arms suppliers (all of whom, incidentally,

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<sup>2</sup> The Embassy reported in telegram 35883 from Paris, October 31, 1978, that "France is not ready to participate, at this time, in four-power talks or talks with the Soviet Union on CAT. The GOF would rather keep the matter as a subject for bilateral discussion." (National Archives, RG 59, Central Foreign Policy File, D780450–0450)

were Western). Second, the prospect for involving the Soviets in a dialogue on arms transfer seems more practical today than it did two years ago. Third, US efforts to restrain its arms transfers and to focus international attention on the issue have gradually had an impact on official attitudes, at least in the UK. Finally, the threat of greater competition resulting from the US lifting some of its self-imposed constraints, in the absence of agreed restraints, is more credible today than two years ago.

6. In seeking to involve our allies in a more constructive dialogue we recommend setting ourselves fairly modest initial objectives. In 1977 the US notified the Europeans of the basic elements of its new arms transfer policy<sup>3</sup> before it had discussed these issues with them in any depth. From their standpoint the subsequent four power discussions were an effort to change their policies, without offering them the slightest prospect that they might change ours. In renewing our effort to achieve greater Western accord, we would suggest a more open ended approach, one in which we explained to our allies that the USG was reviewing its own policies, as well as its approach to involving the Soviets and other suppliers, and would like our allies' views before making any decisions.

7. The new British government<sup>4</sup> may, in our view, be open to renewed Western discussions on the problems posed by Conventional Arms Transfers, leading toward more regular exchanges on such issues and perhaps toward agreement on certain limited, generally acceptable principles of restraint. The creation of such a forum, and even modest agreement on elements of restraint would in our view be a major step forward. We would welcome comment from Embassies Paris and Bonn regarding the receptivity of their host government to any such renewal consultations, bilateral or quadripartite, among the Western suppliers.

**Brewster**

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<sup>3</sup> See footnote 1, Document 271.

<sup>4</sup> On May 4, the Conservative Party under the leadership of Margaret Thatcher won a general election and replaced the Labour party.



### 309. Memorandum of Conversation<sup>1</sup>

Vienna, June 17, 1979, 11:00 a.m.–1:00 p.m.

#### SUBJECT

Third Plenary Meeting between President Carter and President Brezhnev  
Topics: SALT III and other arms control issues

#### PARTICIPANTS

##### *U.S.*

The President  
Secretary of State Cyrus R. Vance  
Secretary of Defense Harold Brown  
Dr. Zbigniew Brzezinski  
General David Jones  
Mr. Hamilton Jordan  
General G. Seignious  
Ambassador Malcolm Toon  
Mr. Joseph Powell  
Mr. David Aaron  
Mr. Wm. D. Krimer, Interpreter

##### *U.S.S.R.*

President L.I. Brezhnev  
Foreign Minister A.A. Gromyko  
Marshal D.F. Ustinov  
Mr. K.U. Chernenko  
Deputy Foreign Minister G.M. Korniyenko  
Marshal N.V. Ogarkov  
Ambassador A.F. Dobrynin  
Mr. A.M. Aleksandrov-Agentov  
Mr. L.M. Zamyatin  
Mr. V.G. Komplektov  
Mr. A.M. Vavilov  
Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to conventional arms transfers.]

When *Gromyko* turned to conventional arms transfers, the *President* interjected a few comments on the anti-satellite talks.

[Omitted here is discussion unrelated to conventional arms transfers.]

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Vance Exdis Memcons 1979. Secret; Nodis. Drafted by Krimer on June 20; and approved by Aaron. The meeting took place at the Soviet Embassy. The memorandum is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 203.

Returning to conventional arms transfers, *Gromyko* noted that the negotiations had begun some time ago and seemed to move right along, but then the representatives of the United States had proposed to discuss conventional arms transfers on a regional basis. In brief, the regions mentioned were those in which the United States was interested. When Soviet representatives mentioned other areas and countries of concern to both sides, US representatives had simply refused to discuss them. Such a unilateral approach could not possibly be acceptable to the Soviet side, so US representatives had simply walked out of the talks and had returned home. Thus, the conventional arms transfers talks were now in a state of suspense.

*The President* said with respect to conventional arms transfers that our position has been that we should not begin with areas where each country was deeply involved. We provide military assistance to South Korea and Japan, for example. The Soviet Union provided military assistance to Vietnam and Ethiopia. We would want to concentrate in the beginning on areas where there was not that much controversy, where our two countries were not involved by commitments of long standing.

*Gromyko* said the Soviet Union would be prepared to resume the conventional arms transfer negotiations.<sup>2</sup>

[Omitted here is discussion unrelated to conventional arms transfers.]

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<sup>2</sup> In a June 18 joint communiqué, the two nations agreed "that their respective representatives will meet promptly to discuss questions relating to the next round of negotiations on limiting conventional arms transfers." (*Public Papers: Carter, 1979*, pp. 1081–1087)

**310. Memorandum of Conversation<sup>1</sup>**

Washington, July 5, 1979, 12:33–2:00 p.m.

**PARTICIPANTS**

Amb. Anatoliy Dobrynin  
Zbigniew Brzezinski

1. Dobrynin first conveyed warm greetings from Brezhnev to the President. He reported that Brezhnev in his report to the Politburo spoke in personally warm terms of the President as a person with whom one can have a serious discussion over difficult issues, without acrimony, and as a person who is genuinely interested in arms control. Dobrynin also added that Brezhnev said to the Politburo that “even Brzezinski seems to be a decent fellow.”

2. I conveyed through Dobrynin to Brezhnev the President’s regards as well as the two pens that the President forwarded. Dobrynin interpreted one of the pens as a gift for himself and, given the absence of precise instructions, I did not object. In any case the President’s note<sup>2</sup> and the pens will go to Brezhnev with Dobrynin, who leaves for Moscow tomorrow.

3. Dobrynin raised the question of CAT and Indian Ocean talks. With respect to CAT, I told him flatly that there was no point in having a meeting unless we resolve in advance the agenda; otherwise, the meeting will degenerate into a hassle over the agenda. I pointed out to him that this is in our mutual interest. If CAT is to be serious, we must not use it for political purposes and try to undercut the politically sensitive relationships of either of the participants in CAT. After some sparring, Dobrynin agreed, and I said that in that case Bartholomew will be available to discuss with the Soviet Chairman the timing as well as the agenda of the next round.

[Omitted here is discussion unrelated to conventional arms talks.]

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 123, Vance, Miscellaneous Communications With: 5–8/79. Top Secret. The meeting took place at the White House.

<sup>2</sup> Not found.

**311. Memorandum From Charles Stebbins of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, July 12, 1979

SUBJECT

Conventional Arms Transfer (CAT) (U)

The Mini-SCC<sup>2</sup> agreed on the following gameplan at this morning's meeting:

—Reg Bartholomew will try to meet one-on-one with Mendelevich in Washington next week to fulfill the Vienna Communiqué obligation to meet promptly on CAT.<sup>3</sup> (C)

—He will remind Mendelevich that the US has been exercising unilateral arms transfer restraint for two years, but will hint that the lack of similar restraint by other suppliers will have to be factored into our future transfer decisions—for example, in deciding how or whether to fill the transfer “gap” resulting from the loss of the Iranian market.<sup>4</sup> (S)

—He will reiterate the previous US position that multilateral restraint can only result from bilateral progress, that progress means forward movement on the regions issue, and that we are prepared only to discuss the Sub-Saharan Africa and Latin American regions. (S)

—Reg will listen to Mendelevich's position on regions while trying to get him to agree that the only practical way to proceed on this key issue is to tackle relatively non-turbulent regions where neither side has vital interests at stake. Reg will reject Soviet regions that do not meet this criterion. (S)

—Whatever the outcome of the meeting, Reg will suggest that the two stay in contact through diplomatic channels, and—anticipating no real progress on regions next week—that they meet again possibly in Europe in the Fall. (C)

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 120, SCM 075, Mini-SCC, CAT—Conventional Arms Transfers, 7/12/79. Secret. Sent for information. A stamped notation at the top of the memorandum reads “ZB HAS SEEN.” Brzezinski also initialed the memorandum.

<sup>2</sup> No other record of this meeting has been found.

<sup>3</sup> See footnote 2, Document 309.

<sup>4</sup> In the wake of the January Revolution in Iran, the United States suspended arms sales to Iran. See *Foreign Relations, 1977–1980*, vol. X, Iran: Revolution, January 1977–November 1979.

**312. Memorandum From Secretary of Defense Brown and Secretary of State Vance to President Carter<sup>1</sup>**

Washington, August 14, 1979

**SUBJECT**

Assessment of U.S. Arms Transfer Policy

We have recently assessed our experience of the past two years with the arms transfer restraint policy established by PD-13.<sup>2</sup> On the whole, we believe the policy has supported U.S. interests in restraint without denying us the capability to meet our foreign policy requirements and the defense needs of our allies and friends.

There has been considerable criticism of the policy from several quarters. Some allies and friends perceive the policy as being artificially restrictive to the point of denying legitimate access to U.S. military equipment. U.S. industries complain that it disadvantages them in international markets vis-a-vis other exporters. Most significantly, however, members of Congress continue to be skeptical of the policy. Some believe its only achievement has been creative bookkeeping; others feel that arms transfers are no longer being used as an effective instrument of foreign policy. We believe that all these criticisms have been overstated, but we nevertheless expect them to emerge once more as Congressional studies currently under way are completed and the Senate Foreign Relations Committee moves to hearings at the end of the year.

Our own principal conclusions are:

—The policy has required the creation of a planning system that allows us to look at the flow of U.S. arms transfers over a multi-year period and to establish priorities.

—The machinery created to implement the policy ensures that the Executive Branch takes a wide range of factors—political, security, arms control, economic, and human rights—into account in all major arms transfer cases.

—The policy has imposed measurable restraint on U.S. arms transfers.

—Even though we have sold less than we could have, there has not been a subsequent reduction in the total volume of the world's arms trade.

(U) In the course of this policy reassessment, we have identified the following issues that will require attention in the near future.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 78, 1977 Arms Transfer/FMS Policy. Secret. Carter initialed the top of the memorandum.

<sup>2</sup> See Document 271.

*Qualitative Controls*

(C) The qualitative controls of PD-13 have been generally effective. Nevertheless, there are a couple of questions that may require decisions over the coming months.

(S) 1. We are currently considering whether to authorize the development of an intermediate fighter aircraft solely for export. (The F-5E currently fills this role.) If we decide that this is a good idea for policy reasons, we shall then have to decide whether it requires an exception to PD-13.

(S) 2. Several countries are expressing interest in the F-18L, a land-based version of the Navy aircraft modified solely for export. In 1977 an Iranian request for the F-18L was denied because the aircraft was not operationally deployed with U.S. forces. It is necessary that we review our position on this at an early date because of renewed interest in the aircraft.

(S) Another area of concern is co-production. We have chosen to make exceptions to this guideline in a number of instances. This is a basic dilemma for U.S. policy. As our non-NATO friends and allies continue to expand their own production capabilities, the long-term task of arms control becomes more difficult; on the other hand, co-production provides us a measure of control that would be lost if other suppliers sold the concerned equipment. An interagency study, chaired by ACDA, is currently under way to examine the trends in Third-World arms production capability.

(C) A related problem has been the reluctance on the part of some NATO countries to enter into RSI co-production arrangements because of our control over third-party sales outside of NATO. These controls have their foundation in our statutes as well as in the arms policy. We are trying to work out these problems on a case-by-case basis.

*Quantitative Control (The Ceiling)*

(C) The ceiling on sales to non-exempt countries has been the most controversial aspect of PD-13. Its positive features include its visibility as a symbol of the US commitment to arms transfer restraint and the managerial reforms associated with it. While it has not led to the rejection of any specific arms transfer requests, it did achieve its purpose of reducing sales in FY 78 compared to FY 77. In FY 79, because of cancellations by Iran, total sales could drop significantly and come in well under the ceiling. This could lead to pressure to lower the base for calculating the FY 80 ceiling. Such pressure should be resisted because in FY 80 important sales to Israel, Egypt and Saudi Arabia could largely fill the gap left by Iran in FY 79.

(C) In any case, we believe that no further reductions in the ceiling should be made unless there is evidence of progress in our multilateral restraint effort. After four rounds of negotiations with the Soviets we

have no tangible evidence of Soviet restraint, and our European allies have made future restraint on their part (they have not shown any in the past) contingent on our ability to get restraint from the Soviets. We will be submitting our formal recommendation to you later this summer in the context of our FY 80 plan.

#### *Multilateral Cooperation*

(C) PD–13 recognized that achievement of the objective of a world-wide reduction in arms transfers required the cooperation of other suppliers and recipients. We have not yet made concrete progress toward such cooperation although our efforts will continue. Nevertheless, we believe that the qualitative controls in PD–13 support U.S. national interests regardless of such cooperation. The substantive and procedural benefits of the qualitative controls, as distinct from the FY 80 ceiling level noted above, are not vitiated by the lack of multilateral progress. We shall be assessing the results of the multilateral restraint effort and commenting on its implications in a report due to the Congress by December 31, 1979.

#### *Conclusions*

(C) We believe that PD–13 continues to support our national objectives in arms restraint and that the policy should be maintained with no further reductions under the ceiling. As noted above, our experience suggests that certain aspects of the policy will raise questions of interpretation as circumstances change. We will continue to review PD–13 to ensure that it remains in consonance with our basic foreign policy needs and arms control objectives. We will also continue to tailor carefully rhetoric about the policy and specific policy decisions in order that it reflect realistically the objectives and achievements of PD–13.

(U) The Chairman, Joint Chiefs of Staff and the Director, Arms Control and Disarmament Agency concur in this memorandum.

**Harold Brown**

**Cyrus Vance**

### 313. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, September 10, 1979

#### SUBJECT

Assessment of US Arms Transfer Policy (C)

Cy and Harold have forwarded an assessment of the arms transfer policy established in PD-13 (Tab A).<sup>2</sup> They conclude that the policy should be retained, since it supports our national objectives in arms restraint and has resulted in a coordination process that ensures a wide range of factors are taken into account in all major arms transfer cases. (C)

However, the Secretaries do note that, despite measurable restraint on the part of the US, the total volume of worldwide transfers has *not* diminished. As a result, they intend to recommend in the near future that no further unilateral reductions be made in the current arms transfer ceiling unless there is progress in our multilateral restraint efforts. They also caution that a number of decisions may be required shortly involving exceptions to PD-13. (S)

I agree with the Secretaries' assessment. Given the high political stakes involved, now is not the time to step away from the policy, or to conduct a fundamental policy review. However, you could suffer domestic *and* international political damage if you continue to be perceived as consistently withholding US arms from markets that the Soviets and other suppliers are quick to fill. The fact of higher sales worldwide since the issuance of PD-13 makes it appear that the end result of US unilateral restraint is the encouragement of increased sales by other countries. (C)

Therefore, without abandoning PD-13, we need to take steps that will signal to the Soviets and others that we are reaching the limit of our patience with their total lack of cooperation in global arms transfer restraint. You will receive a series of follow-on memoranda suggesting specific steps that might be taken, beginning with the Secretaries' forthcoming memorandum on the FY 80 ceiling. (C)

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Defense/Security, Box 2, Conventional Arms Transfers. Secret. Sent for information. In the upper right-hand corner, Carter wrote "Zbig—I won't be eager to change the policy. J."

<sup>2</sup> See Document 312. On September 11, Brzezinski sent a letter to Brown and Vance informing them that Carter had read their memorandum. He wrote "You should be aware that he [Carter] added a note to me, 'I won't be eager to change the policy.'" (Library of Congress, Manuscript Division, Harold Brown Papers, Box 78, 1977 Arms Transfer/FMS Policy)



**314. Memorandum From Charles Stebbins of the National Security Council Staff to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, September 19, 1979

SUBJECT

Conventional Arms Transfers (CAT) Talks (U)

The Mini-SCC<sup>2</sup> agreed on the following gameplan at this morning's meeting:

—Reggie Bartholomew will meet with Mendelevich in Europe on September 25 to discuss a possible CAT V agenda—barring a decision later this week to delay the meeting as a result of the situation in Cuba.<sup>3</sup> (S)

—Reggie will press hard to get the Soviets to accept the earlier US position that discussions of restraint measures for Sub-Saharan Africa (SSA) or Latin America (LA) should be placed on the CAT V plenary agenda. He will again argue that: (1) CAT V must produce significant forward movement on the regions issue; (2) the only practical way to proceed on the issue is to tackle relatively non-controversial regions where there is mutual interest in restraining transfers; and (3) in the US view, the only regions that meet these criteria are SSA and LA. (S)

—If the Soviets cannot be persuaded to place SSA or SSA and LA on the CAT V agenda, Reggie will be authorized to agree to convene CAT V without any Soviet commitment on regions; but he will caution them that, against the discouraging backdrop of the current situation in Cuba, the US will not be able to sustain its CAT initiative without significant progress on regions at CAT V. (This approach, coupled with our earlier agreement to permit discussions of *any* regions in heads of delegation meetings only, will tell us whether the Soviet problem with regional discussions is substantive or procedural.) (S)

—Reggie will then propose that CAT V be convened in Helsinki in mid-January, claiming that the US needs several months to prepare for the round. If Mendelevich suggests convening earlier, Reggie will indi-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 120, SCM 083, Mini-SCC, CAT-Conventional Arms Transfers, 9/19/79. Secret. Sent for action. Copies were sent to Kimmitt and Brement.

<sup>2</sup> No other record of this meeting has been found.

<sup>3</sup> Reference is to the discovery of a Soviet combat brigade in Cuba. For more on this, see *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Documents 216, 217, 219, 220, 221, 222, 223, 224, 225, 226, 227, and 228, and *Foreign Relations, 1977–1980*, vol. XXIII, Mexico, Cuba, and the Caribbean.

cate that the US doesn't want CAT to complicate SALT, but if the Soviet desire for an earlier convening can be taken as an earnest of their good intentions on the regions issue, we might be willing to reconsider our position on timing. (S)

The CAT Working Group was tasked to take a new look at how Cuba should be dealt with in any CAT V restraint proposal for Latin America. Additionally, Marshall Bremont is to prepare talking points for Reggie to use in chiding Mendelevich about the current situation in Cuba. (S)

*RECOMMENDATION:*

That you approve the above gameplan.<sup>4</sup>

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<sup>4</sup> Brzezinski did not indicate his preference with respect to this recommendation.

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### 315. Paper Prepared by the Soviet Government<sup>1</sup>

October 12, 1979

As was agreed during the meeting between A.A. Gromyko and Secretary Vance in New York September 27<sup>2</sup> concerning a bilateral exchange of views in Washington on the status of arms control and disarmament negotiations, we would like to receive the views of the American side on how to move forward on the following problems.

[Omitted here is discussion unrelated conventional arms transfers.]

*5. Limiting the Sale and Transfer of Conventional Weapons.*

The sides have agreed on the basic directions of the negotiations, and on some questions one can even detect a convergence of approaches. However, during the last round the USA sharply changed

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, General Odom File, Box 36, PD-50 [Arms Control Negotiations], Follow-Up Working File: 9-10/79. No classification markings. A typed notation at the top of the paper reads "Non-Paper 10/12/79 [US translation]." A handwritten notation above this reads "NODIS."

<sup>2</sup> Telegram 256735 to Moscow, September 29, reports Gromyko's and Vance's discussion of arms control in New York. (National Archives, RG 59, Central Foreign Policy File, Reel Number N/A)

course in these talks. Without explanation, the US declined to hold the previously agreed meeting of heads of delegation on September 25.<sup>3</sup>

We would appreciate clarification by the American side of its motives for its recent conduct with respect to the negotiations, which were begun at the initiative of the US, as well as its views regarding further prospects for these negotiations.

[Omitted here is discussion unrelated conventional arms transfers.]

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<sup>3</sup> According to telegram 247872 to Moscow, September 21, the Department of State postponed the Bartholomew-Mendeleovich meeting because it believed "that it would be inappropriate to have CAT HOD [Head of Delegation] meeting while Cuban question is unresolved." (National Archives, RG 59, Central Foreign Policy File, P840142–2418) Reference is to the discovery of the Soviet combat brigade in Cuba.

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### 316. Editorial Note

On December 28, 1979, Secretary of State Cyrus Vance submitted a report to the United States Congress on the progress of comprehensive arms restraints discussions. "The principal objective" of the talks, he explained, had been "to bring about reductions in worldwide arms transfers, particularly those that could worsen regional instabilities or stimulate regional arms races, introduce new levels of weapons technology into a given region, or prove susceptible to misuse by terrorists." The United States and the Soviet Union, he reported, had held four rounds of talks, and had begun to draft "common texts" on the need for conventional arms restraint. However, "the sides were unable to move forward on the important third part of the framework, regional application of criteria, because they were unable to agree on candidate regions for restraint."

Vance, nevertheless, said that the two sides had made "progress" by agreeing that "arms transfers are an urgent international problem," had "developed a framework for addressing arms transfer issues," and had "begun to develop a common text of criteria that define the legal principles and the kinds of transfers that are of critical concern." While he conceded that "[m]uch remains to be done in the bilateral talks," Vance contended that a policy of comprehensive arms transfer restraint "has and will continue to serve U.S. interests." ("Report by Secretary of State Vance to the Congress: Multilateral Discussions on Conventional Arms Transfer Restraints," December 28, 1979, *Documents on Disarmament*, 1979, pp. 828–834)

In January 1980, the *New York Times* reported that anonymous U.S. officials said that "President Carter has instructed ACDA to stop arms control negotiations in the wake of the Afghanistan invasion." (Telegram 7624 to all NATO capitals, January 11; National Archives, RG 59, Central Foreign Policy File, D800018-0763) However, Department of State Spokesman Hodding Carter III denied that President Carter had issued a memorandum containing such instructions. Hodding Carter III also told the *Associated Press* that "no dates have been set for resumption of long-stalled talks on limiting conventional arms transfers, anti-satellite warfare and armaments in Indian Ocean region." (Telegram 8435 to the Mission in Geneva, January 11, 1980; National Archives, RG 59, Central Foreign Policy File, D800020-0155) Vance, however, told the *New York Times* that the Carter administration should "continue to pursue limits on conventional arms transfers with understanding that when our friends are placed in jeopardy by actions or threats that are directed against them, we will help them and provide them with military assistance. We will continue that policy." (Telegram 18290 to Brasilia, January 22; National Archives, RG 59, Central Foreign Policy File, D80038-0064)

In March 1980, Vance told the Senate Foreign Relations Committee that while the administration "remained convinced" that agreements to reduce conventional arms transfers "can contribute to a safer world, we do not at this time foresee progress. In the absence of agreed international restraint, we do not plan to reduce further the ceiling on our own arms transfers." (*Documents on Disarmament, 1980*, pp. 176-179) Later that evening, the Department of State told the Mission in Geneva that "mutual disagreements over regional applications prevented the negotiations from moving forward. There are no plans at present for another CAT round. Recent events affecting the stability of key regions and involving US-Soviet interests, including Afghanistan, have obviously complicated the climate. We intend to monitor the bilateral atmosphere and regional situations closely, and we hope that it will eventually be possible to reconvene the CAT talks." (Telegram 81683 to the Mission in Geneva, March 27; National Archives, RG 59, Central Foreign Policy File, D800156-0303)

# Non-Proliferation, Safeguards, and International Nuclear Fuel Cycle Evaluation

## 317. Presidential Review Memorandum/NSC-15<sup>1</sup>

Washington, January 21, 1977

TO

The Vice President  
The Secretary of State  
The Secretary of Defense

ALSO

The Director, Arms Control and Disarmament Agency  
The Administrator, Energy Research and Development Administration  
The Chairman, Nuclear Regulatory Commission  
The Director of Central Intelligence  
The Assistant to the President for Energy Policy

SUBJECT

Nuclear Proliferation

The President has directed that the Policy Review Committee, under the chairmanship of the Department of State, undertake a thorough review of U.S. policy concerning nuclear proliferation. The review should develop policy options for the United States—both near and long term—for achieving its non-proliferation goals. The review should:

1. Assess the current status of U.S. nuclear fuel assurance policies, reprocessing policy including alternatives to reprocessing, and possibilities for the handling and disposal of nuclear wastes.

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Subject Files Pertaining to Presidential Review Memoranda and Directives, MEMCONS with Foreign Officials, and National Security Decision and Study Memoranda, May 1963–October 1980, Accession #383-98-0053, Box 1, Presidential Review Memorandum/NSC-15—Nuclear Non-Proliferation Policy, January–March 1977. Secret; Exdis.

2. Review the decisions announced by President Ford in the statement of October 28,<sup>2</sup> and identify the policy options required to implement those decisions.

3. Provide a review of the current status of major ongoing negotiations with and among foreign nations concerning proliferation.

4. Assess options for formal and informal international coordination of incentives, controls and sanctions throughout the nuclear fuel cycle in order to limit nuclear proliferation.

5. Analyze the strengths and liabilities of bilateral negotiations, the London Suppliers Group,<sup>3</sup> and the IAEA, as institutions for implementing U.S. non-proliferation goals.

6. Identify current U.S. nuclear export requirements, and examine what new requirements might be applied to current and future export agreements, and what measures must be taken to insure U.S. credibility as a nuclear supplier state.

7. Review current estimates of energy demand outside the United States, and assess the potential of non-nuclear alternatives to meet those needs.

8. Review congressional initiatives and suggest strategies for coordination of executive and legislative branch policies concerning nuclear export and non-proliferation.

The review should be completed by February 28, 1977.

**Zbigniew Brzezinski**

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<sup>2</sup> Ford stated on October 28 that in order to reduce the proliferation of nuclear materials, the "reprocessing and recycling of plutonium should not proceed, unless there is a sound reason to conclude that the world community can effectively overcome the associated risks of proliferation." He promised that the United States would "greatly accelerate its diplomatic initiatives, in conjunction with nuclear supplier and consumer nations, to control the spread of plutonium and technologies for separating plutonium" and align its domestic and international positions by working "closely with other nations." He concluded by calling for "all nations to recognize that their individual and collective interests are best served by internationally assured and safeguarded nuclear fuel supply, services, and storage" and to end their pursuit of "nuclear capabilities which are of doubtful economic value and have ominous implications for nuclear proliferation and instability in the world." (*Public Papers: Ford, 1976-77*, pp. 2763-2778)

<sup>3</sup> The London Suppliers Group, or the Nuclear Supplier Group, founded in 1974 after India's successful nuclear test, included the United States, the Soviet Union, the United Kingdom, Canada, the Federal Republic of Germany, France, and Japan. It met several times from 1974 to 1977 to set guidelines for the export of nuclear material to states that did not possess nuclear weapons.

**318. Telegram From the Department of State to the Embassy in Belgium<sup>1</sup>**

Washington, January 24, 1977, 1530Z

15111. Tovip 3. Subject: Sensitive Nuclear Exports and NPT.

Vice Presidential party, eyes only for Aaron

1. Per request transmitted by Hyland,<sup>2</sup> following is State Department evaluation of impact of NPT on sensitive nuclear exports. Text of treaty is being made available to party. As party aware, FRG Under Secretary Hermes in discussions with Secretary Vance<sup>3</sup> cited alleged inconsistencies between US statements during NPT negotiations and US position now on sensitive transfers. As overall observation, Department would note the potential pitfalls of allowing FRG officials to engage party in narrow, legalistic debate over interpretation of NPT<sup>4</sup> in context of discussion of US policy on sensitive nuclear transfers.

2. The basic objective of NPT is to prevent the further spread of nuclear weapons or other nuclear explosive devices without impeding the development, production and use of nuclear energy for peaceful purposes. Consistent with this objective, the treaty requires all parties, when acting as suppliers, to ensure that transfers of nuclear material and equipment are subject to IAEA safeguards. Article I obligates nuclear-weapon states party to the treaty “not in any way to assist, encourage, or induce any non-nuclear-weapons state to manufacture or otherwise acquire nuclear weapons or other explosive devices.” Article II obligates non-nuclear weapons states party to the treaty not to acquire nuclear weapons or explosives from any source.

3. At the same time, Article IV states that nothing in the treaty “shall be interpreted as affecting the inalienable right of all parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Ar-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840084-0745. Secret; Immediate; Nodis. Also sent immediate to Bonn. Drafted by Jerome Kahan (S/P); cleared by Louis Nosenzo (PM), Edward McGaffigan (T), Charles Van Doren (ACDA), and Peter Sebastian (S/S); and approved by Bartholomew (S/P).

<sup>2</sup> Not found.

<sup>3</sup> No record of a meeting between Vance and Hermes was found. According to the German documentary record, Hermes visited Washington and delivered a Non-Paper on non-proliferation to Mondale on January 16. See *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1977*, Part One, p. 16. The Non-Paper was not found.

<sup>4</sup> The Treaty on the Non-Proliferation of Nuclear Weapons or Non-Proliferation Treaty (NPT) was signed on July 1, 1968 by 56 nations, including the United States, the United Kingdom, and the Soviet Union. The U.S. Senate ratified the Treaty on March 13, 1969, and it entered into force on March 5, 1970. See Document 250 in *Foreign Relations, 1964–1968*, vol. XI, Arms Control and Disarmament.

ticles I and II of this treaty." Article IV also calls for all parties to facilitate and participate in the "fullest possible exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy." Special attention was to be given to the needs of developing countries.

4. Starting in 1972 the US adopted a national policy of imposing special restraints and review procedures over requests for so-called sensitive nuclear exports, i.e., equipment and technology related to uranium enrichment, plutonium reprocessing, and heavy water production. In practice, this policy resulted in an embargo on such exports from the US. When the London Suppliers Group convened in 1975, the US sought to persuade other major suppliers to adopt a parallel policy on these exports. However, in the agreed guidelines, we were only able to obtain multilateral consensus for restraint in, but not an embargo on, sensitive transfers. If such transfers are to be made, the guidelines call for improved safeguards over such transfers going beyond NPT requirements (e.g., safeguards triggered by technology in addition to equipment and material). We have subsequently called for a three-year moratorium on such exports.

5. While the US approach to sensitive transfers has been supported by most if not all key suppliers, some suppliers and recipients have criticized this policy as incompatible with Article IV of the NPT. These nations argue that the NPT places an explicit responsibility on supplier states party to the treaty to make any and all types of peaceful nuclear assistance available to recipients party to the treaty, as long as the materials and facilities are under safeguards. To strengthen this position, these nations cite US assurances and statements to this effect issued during the treaty negotiations. For example, citations from some of these US statements appear in the FRG "Non-Paper" transmitted by Hermes to Secretary Vance at their recent meeting (we understand that Assistant Secretary Hartman is carrying this paper).

6. The US position in response to these criticisms rests on the following points:

A. We do not believe that safeguards necessarily provide an adequate basis for transferring all nuclear items, while supporting the overriding non-proliferation objective of the NPT. Transfers of sensitive equipment and technologies can lead to the direct availability of strategic quantities of weapons-usable material (notably plutonium but also highly-enriched uranium) in non-nuclear weapons states. It is presently uncertain whether safeguards could be devised and implemented to provide timely detection of diversion of these materials. Moreover, if safeguards were to be terminated or abrogated, the recipient could then rapidly utilize the materials and facilities in order to acquire nuclear explosives capacity.



B. Regarding the meaning of Article IV of the NPT, we would note that the rights under this article apply only to NPT parties, and not to non-parties, (such as Brazil and Pakistan). Moreover, this provision was not intended to create any new “inalienable right” for NPT parties. It simply states that nothing in the treaty should be interpreted to affect the rights that would have existed in the absence of the treaty, and goes on to point out that any exercise of such rights must be “in conformity with Article I and II of this treaty.” Furthermore, the Article IV language calling for the “fullest possible exchange” of nuclear assistance among parties must also be viewed in the light of the basic NPT objectives as reflected in Articles I and II. In any case, our policies on sensitive nuclear exports are not predicated on any interpretation of the NPT; they are supplemental measures based on our interest in taking all appropriate steps to avert the further proliferation of nuclear explosives capability as technological developments increase the risks of such proliferation.

C. We currently see little or no economic justification for acquisition of enrichment and reprocessing facilities by non-nuclear weapons states outside the OECD area. In our view, the overall intent of Article IV is to ensure that parties in a position to do so will help other parties to enjoy the benefits of nuclear power for peaceful purposes. This does not, however, oblige them to make transfers that are not economically justified in the recipient country, especially where such transfers might also incur increased risks of proliferation. Rather, the US believes that the spirit and letter of Article IV can and should be met by the provision of non-sensitive fuel supplies and fuel cycle services from supplier states, since this can be more economic than small-scale fuel cycle plants and would significantly reduce proliferation risks. We are, of course, interested in exploring other alternatives, when justified, such as regional, multinational fuel cycle centers.

D. As a nuclear-weapons state, the US sees an overriding obligation in Article I of the NPT not to “in any way” assist non-nuclear weapons states to manufacture or acquire nuclear explosives. We believe that sensitive transfers, without economic justification and before we have had an opportunity to explore alternatives, could contravene these obligations. We further believe that non-nuclear weapons states party to the treaty, when supplying nuclear assistance, should feel bound to act in accordance with the intent of Article I, since it reflects the essential non-proliferation thrust of the NPT.

7. FYI. While FRG concerns are focused primarily on their agreement with Brazil,<sup>5</sup> they also are very concerned with the implications of US non-proliferation policy for their own development of sensitive technology. Discussions of such implications are best avoided at this point. If pressed, we recommend line that USG is currently developing a program to evaluate risks and alternatives associated with back-end fuel cycle activities, has reached no RPT no conclusions regarding

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<sup>5</sup> The Carter administration criticized the Federal Republic of Germany’s 1975 sale of a nuclear reactor and plutonium technology to Brazil. For more on this see Documents 397, 398, 399, 400, 401, 402, 403, 404, 405, and 406.

same, and we expect early and full discussions with FRG as US evaluation activities progress. Similar considerations apply in the case of Japan.

8. If issue of amending NPT arises in connection with discussions of US export policy, Department suggests that US position strongly opposing this approach as impracticable, undesirable, and unnecessary be reaffirmed. Such an approach would be impracticable, since it would involve reconsideration of NPT by almost 100 legislatures. It would also seriously endanger future viability of treaty by raising divisive questions and risking weakening of the NPT. This is why we and others strongly resisted all moves at NPT review conference to amend treaty. Further, we believe that policies US have proposed in context of nuclear suppliers discussions are supplementary to, and not in conflict with, the NPT. End FYI.

Vance

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**319. Backchannel Message From Vice President Mondale to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Bonn, January 25, 1977, 1139Z

590. Subject: My First Day of Meetings in Europe

As I mentioned on the phone,<sup>2</sup> my first day of meetings went well and received an enthusiastic response. In the morning, I spoke to Prime Minister Tindemans of Belgium, the NATO Council, NATO Secretary General Luns and General Haig. In the afternoon I had indepth discussions with European Commission President Roy Jenkins and the other Commissioners, as well as Dutch Foreign Minister Van der Stoel. On your authority I released my NATO statement, and I also held a press conference.<sup>3</sup>

The highlights of my conversations are as follows:

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 7, Backchannel Messages: Europe: 1-6/77. Secret; Eyes Only; Sensitive.

<sup>2</sup> A record of this conversation was not found.

<sup>3</sup> Documents on Mondale's meetings with the NATO leaders and his statement are scheduled to be printed in *Foreign Relations, 1977-1980*, vol. XXVII, Western Europe.

—Non-proliferation: The Dutch Foreign Minister came to Brussels primarily to discuss non-proliferation. The Netherlands is a partner in a consortium with the United Kingdom and West Germany to produce enriched uranium through their own ultracentrifuge process. The Germans want to sell some of this uranium to the Brazilians for use in the reactors provided under the West German-Brazilian nuclear deal.<sup>4</sup> The Dutch are considering vetoing this fuel sale, because they want no part of the West German-Brazilian deal to transfer sensitive reprocessing and enrichment technology, however, they are concerned over West German threats to pull out of the consortium if the Dutch veto the sale and are disturbed at the profound political confrontation that might ensue. They therefore were probing for U.S. support. In this connection, they urged the U.S. to adopt the Canadian position on international safeguards (no sale of nuclear fuel unless the purchasing company has all of its nuclear facilities under safeguards).

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>4</sup> See Documents 397, 398, 399, 400, 401, 402, 403, 404, 405, and 406.

320. Memorandum of Conversation<sup>1</sup>

Tokyo, February 1, 1977

## SUBJECT

Vice President Mondale—Prime Minister Fukuda Conversation II

## PARTICIPANTS

*Japan*

Takeo Fukuda, Prime Minister  
 Ichiro Hatoyama, Foreign Minister  
 Sunao Sunoda, Chief Cabinet Secretary  
 Fumihiko Togo, Japanese Ambassador  
 Bunroku Yoshino, Deputy Vice Minister  
 Toshio Yamazaki, Director General, American Bureau  
 Hisashi Owada, Private Secretary to the Prime Minister  
 Ryuchiro Yamazaki, Interpreter

*United States*

The Vice President  
 Richard Holbrooke, Assistant Secretary, Bureau of East Asian and Pacific Affairs  
 C. Fred Bergsten, Assistant Secretary of the Treasury for International Affairs  
 Thomas P. Shoesmith, Minister  
 Michael Armacost, NSC Senior Staff  
 William C. Sherman, Director for Japanese Affairs  
 James Wickel, Interpreter

[Omitted here is discussion unrelated to non-proliferation.]

The Vice President said that there were several points he wished to make: First, with respect to *nuclear proliferation*, he said the US had pressed both Germany and France to exercise great circumspection with respect to their sales of sensitive materials and technologies to such countries as Pakistan and Brazil. Reprocessing facilities which could produce weapons grade material are simply bomb factories. The question is one in which the President has a great personal concern. We understand Japan's concern for assured supplies of fuel for nuclear power plants. We are also grateful for Japanese ratification of the NPT. The US hopes to continue discussions with the GOJ about the aspects of the problem which may be of concern to Japan. We want to cooperate to keep the problem under control.

The Vice President continued, saying that he understood the GOJ was interested in sending a team to discuss Japanese views with US ex-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, VIP Visit File, Box 8, Japan: Prime Minister Fukuda, 3/21–22/77, Briefing Book [II], Folder 6. Secret. Drafted by Sherman. The meeting took place in the Prime Minister's Office. The memoranda of conversation is scheduled to be printed in full in *Foreign Relations*, 1977–1980, vol. XIV, Korea; Japan.

perts in Washington. He said we would be happy to welcome such a visit and to begin talking in a confidential way about this very complex problem.

The Prime Minister said that he hoped the Vice President understood the sensitivity of Japanese feelings about nuclear matters. The Japanese cities had been destroyed by nuclear weapons, and Japan was fully in accord with US concerns over proliferation dangers. The question of peaceful use was quite different. Japan was by tradition and by basic governmental and Diet policy firmly opposed to any military use, production or possession of nuclear weapons. However, its total lack of energy resources made it essential to consider the development of nuclear power for peaceful purposes. He said the Japanese would welcome the opportunity to send a group to discuss the subject in Washington.

The Vice President said that we would be happy to work out arrangements on his return to Washington.

[Omitted here is discussion unrelated to non-proliferation.]

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### **321. Telegram From the Department of State to the Embassy in France<sup>1</sup>**

Washington, February 3, 1977, 0147Z

24240. Subject: Letter to Foreign Minister. Ref: Paris 3187.<sup>2</sup>

1. Please deliver the following letter from Secretary Vance to de Guiringaud.

2. Begin text: Dear Mr. Foreign Minister: I am sure you are aware of the high importance we attach to the avoidance of nuclear proliferation. I wish to confirm personally to you that I share my predecessor's

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P850056–1667. Secret; Immediate; Nodis. Drafted by John Kalicki (S/P); cleared by James Lowenstein (EUR), Terence Todman (ARA), Alfred Atherton (NEA), Gelb (PM), Denis Lamb (D), Tarnoff (S), Lake (S/P), Donald Tice (P), Leo Reddy (S/S), and Edward McGaffigan (T); and approved by Christopher (D).

<sup>2</sup> Telegram 3187 from Paris, February 11, reported that Pakistani Chargé Iqbal Riza had said that regarding nuclear proliferation, "the principal problem arose because it was difficult, because of nationalistic sensitivities, for Bhutto to indicate any change in the GOP position on the contract for the French nuclear processing plant before the elections." (National Archives, RG 59, Central Foreign Policy File, D770036–0102) The Pakistani elections were scheduled for March 7.

sense of the importance of our increasing cooperation in the non-proliferation field, as conveyed in his last letter to you before leaving office.<sup>3</sup> We look forward to continuing our nuclear policy consultations later this month, as we indicated to your ambassador, so as to further align our nuclear policies. Presently we are in the process of reviewing US policy and, in this regard, I would expect to confirm the continuity of the basic policy directions announced in the October 28th Presidential statement.<sup>4</sup>

In the meantime, we have decided to move into official channels in the contacts regarding sensitive nuclear projects in Brazil, about which we have kept you informed. I anticipate high-level consultations with both parties beginning next week, following up FRG State Secretary Hermes' visit to Washington and Vice President Mondale's trip, and we would look forward to discussing with you any progress as soon as possible thereafter. This would afford us an opportunity to exchange further views on the approach most likely to forestall enrichment and reprocessing in Brazil, taking into account the important principles of assured nuclear fuel supply and no commercial disadvantage raised with you by Mr. Kissinger and pursued by US with the FRG.

As you know, President Carter attaches the highest importance to removing nuclear proliferation risks in both Brazil and Pakistan, as well as worldwide. I am encouraged by the progress we have made with Prime Minister Bhutto and reported to you.<sup>5</sup> I also believe that the formula of a joint decision by France and Pakistan to indefinitely defer Pakistan's reprocessing plant, and substitution of French reactors, fuel and perhaps a fuel fabrication plant, will facilitate a successful solution of this problem.

In view of the forthcoming Pakistani elections I am indicating to Prime Minister Bhutto that we might resume negotiations in March, unless he prefers to open these earlier. In the interim, however, we are making clear to him the seriousness and depth of our desire that he forego his reprocessing plans, and this period will also give you and me time to exchange views on the most desirable negotiating package from our respective standpoints. I would therefore welcome any further thoughts you can convey to me as to how best to proceed.

I greatly look forward to working with you in my new capacity, and to contributing to a deepening of the important relationship between our two countries. Sincerely: Cyrus R. Vance: End text.

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<sup>3</sup> Kissinger's January 17, 1977 letter to de Guiringaud is printed in *Foreign Relations*, 1969–1976, vol. E–15, Part 2, Documents on Western Europe, 1973–1976, Document 343.

<sup>4</sup> See footnote 2, Document 317.

<sup>5</sup> See *Foreign Relations*, 1977–1980, vol. XIX, South Asia.

3. In delivering letter, please confirm that we would anticipate specific exchange on sensitive nuclear issues with France prior to more general consultations later this month, although latter would not exclude further informal discussion of sensitive issues, if desired. You should also seek GOF confirmation that it does not plan to transfer any reprocessing technology or equipment to Pakistan pending further consultations with US, in conformity with understanding previously reached between former Secretary Kissinger and de Guiringaud at their December 10 meeting in Brussels.<sup>6</sup>

Vance

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<sup>6</sup> See *Foreign Relations*, 1969–1976, vol. E–15, Part 2, Documents on Western Europe, 1973–1976, Document 342.

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**322. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, February 16, 1977

SUBJECT

Funding for the Clinch River Reactor

I understand that you have spoken with Jim Schlesinger and are considering approving the ERDA request for Clinch River funding. *I feel that you should know that such a course could have extremely serious effects on the success of your non-proliferation efforts in the critical next six months.*

We are asking other nations to make profound changes in their own energy plans because of our concern with the proliferation risks of the global trend toward a plutonium economy. The only way in which we can demonstrate our willingness to share in the sacrifices we are asking of others is by clearly slowing down our breeder program and that we no longer look upon it as the centerpiece of our energy strategy. This is entirely consistent with your campaign statements to “minimize our efforts in the breeder field.”

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 42, Proliferation: Clinch River Breeder Reactor, 2/77–9/79. Confidential. Sent for information. At the top of the memorandum, an unknown hand wrote “NOTE: Delivered to the Pres. Via Rich Hutcheson [illegible.]”

It is for these reasons that I—as well as the *Department of State*, *ACDA*, the *CEQ* and the *Domestic Council*—strongly recommend that you either zero out the Clinch River budget item or make a much more meaningful cut in the program than ERDA contemplates. The funding level they have recommended in no way slows the heart of the Clinch River program and in fact entails a \$41 million *increase* in spending over FY '77. *I submit that this will not be seen as a serious action on our part by the Germans, the French, the Brazilians, the Pakistanis or the Japanese.*

At the same time, the course of action I am advocating does not require any concrete sacrifice in our domestic energy situation. If either PRM-15<sup>2</sup> or the breeder program review<sup>3</sup> indicate that the Clinch River Reactor is not inimical to our efforts in the proliferation field or is essential to our domestic energy needs (both extremely unlikely), then a *budget supplemental can be sent to Congress in plenty of time for action before the beginning of the new fiscal year, with no interruption in the program.*

At your request I will be forwarding to you first thing tomorrow, a paper on what we can do in regard to international restraints with the hope of getting other nations to join in our efforts. *By far the most potent option available to us is exactly this one: to clearly tell the rest of the world that we consider the dangers of proliferation seriously enough to halt for the time being our own progress toward commercialization of the breeder by stopping or dramatically slowing the first big step—further work on the Clinch River Reactor.*<sup>4</sup>

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<sup>2</sup> See Document 317.

<sup>3</sup> See Document 337.

<sup>4</sup> In his memoirs, Carter wrote “My first veto” of a congressional bill was a “\$6 billion authorization bill for energy research,” including “\$80 million for commencing construction of a nuclear breeder reactor on the Clinch River near Oak Ridge, Tennessee. Because it was enormously expensive and unnecessary, and would open up a new and dangerous plutonium industry in our country, I was determined to prevent construction of this prototype plant.” (Carter, *Keeping Faith*, pp. 101–102)



**323. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, February 17, 1977

## SUBJECT

Nuclear Proliferation

This is a quick response to your request of February 16 regarding possible U.S. initiatives designed to develop “international restraints” in order to slow nuclear proliferation.<sup>2</sup> As you know, we have a PRM in process to develop “options for formal and informal international coordination of incentives, controls and sanctions throughout the nuclear fuel cycle in order to limit nuclear proliferation.” The PRM response will be submitted by February 28th.

The following list of possible U.S. actions does not therefore attempt to provide a thorough analysis of each, but rather sets forth some of the major options being considered in the PRM. Many of these options entail considerable sacrifices on the part of other nations which originally adopted the once-conventional U.S. wisdom regarding long-range energy plans. We will now be asking them to reconsider these plans at considerable cost in dollars or national pride or both. Accordingly, there are certain domestic actions which may have to be taken to make any or all of the above steps credible or saleable to other nations.

First, we should try to demonstrate that we no longer view the breeder reactor (at least in its current design) as the centerpiece of our energy strategy by sending an unequivocal signal that we are not proceeding with its commercialization—specifically with the Clinch River demonstration project. Secondly, we might even have to consider suspending completion of the Barnwell reprocessing plant<sup>3</sup> until we have completed our own thorough investigation of all possible alternatives to reprocessing.<sup>4</sup>

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 60, PRC 007, 3/16/77, Nuclear Proliferation. Confidential. Sent for information. Carter initialed the upper right-hand corner of the memorandum and the margin beside each paragraph after “Preliminary options” with a “C”.

<sup>2</sup> Not found.

<sup>3</sup> A private-sector company began construction of a commercial nuclear reprocessing plant in Barnwell, SC in 1970.

<sup>4</sup> In the right-hand margin next to this paragraph, Carter wrote “ok but not cancel outright.”

*Preliminary options:*

1. *A call by the U.S. or jointly by the Suppliers Group, for a three-year moratorium on sensitive transfers while we search for other ways to meet legitimate nuclear energy fuel cycle needs. The term "sensitive transfers" refers to enrichment facilities, reprocessing facilities, and highly enriched, weapons grade uranium (HEU).*

2. *Further investigate the possibility of a few multinational fuel cycle centers which would provide regional enrichment and reprocessing capacity. This option would only be attractive if a study reveals that there exist suitable sites for such an operation, and that multilateral management and control arrangements could be worked out that would guarantee adequate safeguarding.*

3. *Fuel assurances provided either unilaterally or, much more attractively, multilaterally. In either case, this policy would demand that we expand current U.S. enrichment capacity so that we can guarantee the supply of low-enriched fuel. Longer term possibilities might include some form of international "bank" managed by the IAEA which would ensure non-discriminatory access by all nations to an international pool of SWU's (the measure of enrichment capacity).*

4. *As an alternative to reprocessing, the creation of a multinational spent fuel-plutonium storage regime. Under such a policy, reprocessing would be either ruled out or indefinitely deferred in favor of a "once through" fuel cycle in which used fuel rods are not reprocessed but rather stored for an indefinite period of time.*

5. *Renegotiation of existing agreements for cooperation. Under this policy, the United States would attempt to renegotiate its existing agreements for cooperation to include stricter safeguard criteria. One possibility would require recipient nations to agree to full scope safeguards under which all of their nuclear facilities—regardless of where they came from—would be subject to IAEA safeguards. Not only are there severe legal barriers to renegotiating existing agreements, but this effort would meet very stiff political resistance from key nations such as Yugoslavia, Israel, and many others. Canada is encountering serious difficulties in its effort along these lines (PDB, February 17).*

6. *A legislative or regulatory finding that reprocessing plants are inherently unsafeguardable (there are several such Bills on the Hill). This would mean that in exporting nuclear fuel the U.S. would have to require that it not be reprocessed, or be returned to a nuclear weapons state for reprocessing. This would raise immediate problems with the Japanese (among others) who have a reprocessing plant in the final testing stages and need our permission to begin reprocessing U.S.-supplied fuel.*

7. *Expansion of U.S. cooperation in developing non-nuclear energy resources. The United States' abundant (relatively speaking) domestic*

supply of energy makes many other nations highly suspicious of our efforts to limit proliferation. Thus, a long-term effort in this area will probably have to include a substantial commitment by the United States to help other nations develop alternative—perhaps in some cases non-electrified—energy programs. This would be costly.

8. *U.S. or joint efforts to research and develop alternative reactor designs.* There is a likelihood that “second generation” nuclear fuel cycles can be developed that are inherently much more proliferation resistant than the uranium-plutonium fuel cycle. One possibility that has attracted increasing attention is a thorium cycle which uses denatured Uranium-233 as fuel.<sup>5</sup>

9. *A substantially strengthened IAEA endowed with the power to impose stiff sanctions* for any violations of safeguard agreements. This would require a major political effort to obtain the needed consensus, especially among the nuclear club members.<sup>6</sup>

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<sup>5</sup> Underneath this paragraph, Carter drew an arrow and wrote “Thorium breeder to go critical at Shippingport [Pa] this fall—J.”

<sup>6</sup> Underneath this paragraph, Carter wrote “I look forward to the 2/28 recommendations.”

### 324. Telegram From the Department of State to the Embassy in France<sup>1</sup>

Washington, February 25, 1977, 0023Z

42053. Subject: U.S.-French Nuclear Policy Review. Ref: Paris 4591,<sup>2</sup> Paris 4693.<sup>3</sup>

1. U.S.-French talks on nuclear non-proliferation policy on February 19–20 included thorough and informal exchange of views on major non-proliferation issues and opportunity consult on sensitive nuclear projects in Brazil and Pakistan. Atmosphere of talks was very open and constructive.

2. A. Policy toward sensitive nuclear transfers—both sides agreed that it essential to avoid states backing into nuclear weapons capability due to spread of sensitive technology and materials. U.S. suggested that next step is to gain time to permit evaluation of further controls and possible bilateral and multilateral incentives which could include assured fuel supply, spent-fuel storage, exploration of alternative nuclear technologies. French suggested that offer of fuel cycle services on economic basis could help to compensate for denial of technology, were receptive to concept of multilateralizing such services, and offered to consider how to effect this. They stressed that it is important that suppliers of fuel services not be seen as a bloc opposed to technological cooperation, and that if a country chooses to develop indigenously an independent nuclear fuel cycle capability, it is not French policy to prohibit them from doing so.

B. Fuel assurances—U.S. stressed that we do not propose new regime resulting in commercial disadvantage for any supplier. Fuel assurances would maximize economic disincentive for go-it-alone pro-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P850056–2027. Secret; Immediate; Nodis. Sent for information Immediate to Bonn, Brasilia, and Islamabad. Drafted by John Adsens (EUR/RPE) and Oplinger (PM/NPO); cleared by Nye, John Kalicki (S/P), Denis Lamb (D), Louis Nosenzo (OES/NET), Charles Van Doren (ACDA), Edgar Beigel (EUR/WE), and Peter Bridges (S/S); and approved by James Lowenstein (EUR).

<sup>2</sup> Telegram 4591 from Paris, February 25, reported that France “is committed to nuclear electrical power and needs to export” and “breeder reactors are considered essential and their export will be strongly pursued.” (National Archives, RG 59, Central Foreign Policy File, D770053–0997)

<sup>3</sup> Telegram 4693 from Paris, February 16, reported that the French Government seemed to believe that “some form of international agreement is necessary for providing necessary fuel cycle services to nuclear reactor customers to eliminate any quasi-economically justified transfer technology.” Furthermore, the French believed that “breeder reactors are a necessary thing of the future and their success will depend in part on a successful international arrangement for coping with nonproliferation.” (National Archives, RG 59, Central Foreign Policy File, D770055–0515)

grams: such assurances could include earmarked stocks, equity investment in supplier facilities, and possible fuel fund under international control. While not absolute guarantee, three-tiered program of bilateral, multilateral and international fund assurances could minimize political interference with fuel supply and as noted provide economic incentive to forego sensitive transfers. French expressed some reservations about fuel bank concept but agreed fuel assurances necessary part of supplier package.

C. Full scope safeguards—U.S. indicated that we have not yet reached decision on requiring safeguards on all nuclear facilities as a condition of any nuclear cooperation; concept has advantages in that it would appear to accomplish NPT objective to get binding legal commitment not to acquire nuclear explosives: such a policy would also minimize nuclear transfers in absence of safeguards and would remove present anomaly of non-parties to NPT subject to less stringent safeguards than NPT parties. French continue to have problem with this approach, believe it inappropriate to use French supply leverage to prohibit indigenous nuclear programs (following French route to independent capacity) that it would be seen as being imposed on others by suppliers and thus increase mistrust and increase risks of independent national efforts. However, French expressed interest in U.S. suggestion of possible compromise formula that would require the recipient country to accept safeguards on all existing facilities and subsequent materials produced in these facilities. Country would make no commitment not to acquire unsafeguarded facilities but it understood that to do so would result in termination of supply. It would also agree to notify supplier in advance of such a move. While states not to be required to put existing unsafeguarded materials under safeguards, it understood that any test of nuclear device would also result in supply termination. Both French and U.S. sides agreed to look further at question of how far safeguards issue can profitably be pursued at next suppliers meeting.

D. Suppliers group expansion—utility of group at present fourteen members not yet evaluated; further expansion to be approached with caution, but not ruled out. We more than French see value in continuing meetings as forum for harmonization of nuclear policies, and as framework for continued close consultations among key members.

E. Guidelines publication—some merit in publication of guidelines which widely known to exist; however, publication crystalizes a situation which still essentially fluid. Publication also forces developing countries to accept publicly criteria for cooperation which could lessen flexibility in some cases.

F. Reprocessing policy—U.S. indicated we exploring number of alternatives: one possibility would be general international consensus to

observe halt on further spread of national facilities during which there would be multinational evaluation of safeguard techniques, alternative means of exploiting spent fuel, and alternative reactor technologies. During this pause, it might be recognized that some reprocessing desirable to meet genuine needs on storage and environmental grounds to dispose of spent fuel; this could be met by use of existing reprocessing facilities, provided that recovered plutonium not returned to NNWS. French emphasized strong domestic commitment to reprocessing and breeder programs and proposed to perform reprocessing services for U.S. customers without return of plutonium. It was agreed we would explore those possibilities further in subsequent exchanges.

G. Sanctions—U.S. discussed number of possibilities for publicly-expressed sanctions policies by suppliers. French indicated reluctance to go beyond present policy that violation of agreements with France would automatically imply (unspecified) sanctions. In other cases, French indicated readiness to discuss in London means for strengthening IAEA mechanism for application of sanctions as appeared under Article XII of statute.

3. We learned in course of discussions of sensitive issues on margins of talks that:

—GOF has told FRG it will not seek commercial advantage in Brazil if enrichment and reprocessing are deferred; GOF will respect reactor commitment at least for next 10–15 years and prepared to back up FRG fuel supply.

—French told us we could inform Brazilians in course of talks next week that GOF will not seek commercial advantage and is prepared back up fuel supply as in return for deferral of sensitive transfers.

—French will defer sensitive transfer now pending to Pakistan for at least three more weeks to give us time to persuade GOP to accept joint agreement on indefinite deferral.

Vance

**325. Study Prepared by the Ad Hoc Interagency Group on Nuclear Proliferation<sup>1</sup>**

Washington, March 9, 1977

This report has been prepared in response to PRM-15<sup>2</sup> in which the President has requested recommendations on how the United States should proceed in its efforts to deter the spread of nuclear weapons. The material which follows includes an introductory section setting out the background, broad policy considerations, and principal issues that the current study is designed to address. This is followed by a series of sections outlining optional and recommended courses of action in the primary areas of current concern.<sup>3</sup>

[Omitted here is the table of contents.]

**I. INTRODUCTION****A. BACKGROUND**

For over twenty years the United States has been firmly committed to preventing the spread of nuclear weapons. The President has pledged that this Administration would, as a matter of priority, intensify US efforts. The proliferation of nuclear explosive capabilities to an increasing number of countries threatens to reduce our ability to control international events and manage crises, expose our nation to new risks, have a dissolvent effect on our alliances, and enhance the prospect of terrorist nuclear attacks. Our objective is to prevent this proliferation.

A successful non-proliferation policy requires attention both to the political and security motivations that lead states to acquire explosive devices and to the technical capabilities that make it possible for a state to develop nuclear explosives with little timely warning. Avoiding proliferation ultimately will depend to a large extent on how successful we are in reducing motivations to acquire nuclear weapons capability. These motivations are complex and are not amenable to short-term solutions. They reflect political evaluations of national security interests,

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Subject Files Pertaining to Presidential Review Memoranda and Directives, MEMCONS with Foreign Officials, and National Security Decision and Study Memoranda, May 1963–October 1980, Accession #383-98-0053, Box 1, Presidential Review Memorandum/NSC-15—Nuclear Non-Proliferation Policy, January–March 1977. Confidential.

<sup>2</sup> See Document 317.

<sup>3</sup> Detailed analyses of these issues and options were prepared as a basis for this report and are available. [Footnote is in the original.]

of the strength and durability of alliances, the reliability of security guarantees, and perceptions that nuclear weapons status or near-status is prestigious and carries significant political rewards.

To successfully meet these concerns over the long-term, steps must be taken to enhance the credibility of existing security guarantees. We also need to make progress in achieving meaningful and verifiable arms control agreements that reduce nuclear weapon force levels and limit or prohibit nuclear testing; in establishing nuclear-free zones; in strengthening alliances; and in devaluing the prestige identified with nuclear weapon capability. This report, while sensitive to the importance over the long-term of reducing political and security motivations to acquire nuclear weapons, focuses on the more immediate problem of containing technical capabilities.

The problems addressed in this report arise from the nature of nuclear technology itself. The nuclear fuel cycle begins with mining of natural uranium. The amount of fissile material in natural uranium—the isotope U-235—must be increased to produce fuel for US-type nuclear power reactors (enrichment). Fuel assemblies are fabricated from the enriched uranium and burned in a reactor. The resultant spent fuel is stored temporarily at the reactor site.

After burning in a reactor, nuclear fuel contains a mixture of plutonium, slightly enriched uranium, and radioactive waste products. This *spent fuel* must be cooled for several months at the reactor site.

After cooling, spent fuel can be transported to more permanent storage. However, it has been assumed that spent fuel would be *reprocessed* to recover the plutonium and uranium, which would be *recycled* into new fuel (mixed-oxide or breeder fuel), thus reducing the amount of fresh enriched uranium required. The radioactive wastes separated during reprocessing would be prepared for permanent *disposal*.

The current problem is that many states are developing or have plans to develop full fuel cycle capabilities, that is, not only power reactors, but also reprocessing facilities and, in some cases, enrichment facilities that produce or are capable of producing weapons-usable material.

We are particularly concerned that the spread of enrichment and reprocessing facilities will bring these states close to the nuclear weapon threshold, making it easier to decide to acquire weapons in the future and reducing the time that diplomacy has available to counter moves toward proliferation. Motivations respond rapidly to changing political and security perceptions. If motivations coincide with a capability to produce nuclear explosive devices, further proliferation will almost certainly result. However, the technical capabilities which states have to acquire or produce weapons are amenable to more immediate controls than are motivations. Our efforts in the first instance must,



therefore, *focus on averting the further spread under national control of facilities and materials capable of use for weapons purposes and on strengthening safeguards and other controls over all peaceful nuclear activities.*

Our non-proliferation policy must also take account of the legitimate role nuclear power can play in contributing to world energy needs and, specifically, in reducing reliance on costly and uncertain sources of oil. Non-proliferation and energy cooperation objectives need not conflict: even if national access to weapons-usable material is limited, supplies of non-sensitive fuels and reactors can continue; conversely failure to contain proliferation risks will not only seriously reduce world security but will also result ultimately in serious setbacks to, if not curtailment of, the continued application of peaceful nuclear power.

The US has had a long-term interest in assuring that nuclear power should be available, but only under the most rigorous safeguards, and that the growth and direction of the industry should not outpace progress in forging the necessary protective constraints and institutions. To this end, important protective arrangements were developed over the past two decades including bilateral constraints and controls, IAEA safeguards, and the Non-Proliferation Treaty (NPT).

Since the Indian test of 1974,<sup>4</sup> which demonstrated that a developing country could produce nuclear explosives by misusing peaceful nuclear cooperation, the United States has taken a number of initiatives seeking broad supplier state acceptance of common export policies. These include not only safeguards and control over nuclear exports and strengthening of the international safeguards system, but also efforts to forestall the acquisition of sensitive facilities by countries not already possessing them and minimizing access to and improving control over weapons-usable materials.

These and other related actions were stated in President Ford's October 28 nuclear policy message.<sup>5</sup> The key decision was that reprocessing would no longer be regarded as inevitable and should not proceed unless there is sound reason to conclude that the world community can effectively overcome the associated risks of proliferation. Avoidance of proliferation must take precedence over economic interests. In addition, the Ford statement called for a three-year moratorium on transfers of sensitive technology while alternative ways of meeting fuel cycle needs were explored, coupled with a domestic pause on commercial reprocessing pending evaluation of its proliferation risks. This latter decision was taken in the context of reprocessing for

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<sup>4</sup> See *Foreign Relations*, 1969–1976, vol. E–8, Documents on South Asia, 1973–1976, Documents 161, 162, 163, 164, 167, 168, 169, and 170.

<sup>5</sup> See footnote 2, Document 317.

recycle in present reactors and did not address the US breeder reactor development program.

### B. OVERALL STRATEGY

The October 28 statement—and the Carter San Diego speech<sup>6</sup>—offer a similar political and technical basic framework for the conduct of non-proliferation policy.

A common element in these policy statements is *reinforcement of controls* to ensure that civil nuclear supply is only used for peaceful purposes. They call for action to strengthen technical controls through more universal application of IAEA safeguards and improvement of safeguards and physical protection measures to deter unauthorized use of nuclear materials and facilities.

A second key element is *denial of access to sensitive technologies* (e.g., enrichment and reprocessing) so as to delay the spread of stockpiles of weapons-usable material and the facilities that produce them, while the international community develops ways to shape the future of nuclear energy so as to reduce proliferation risks.

Both policy statements also recognize that an effective non-proliferation policy cannot rely solely on *denials* and *controls*. A policy based solely on denial of sensitive technology transfers would lack legitimacy in the eyes of other nations, and over the long term would not present indigenous development of sensitive technologies and facilities. Similarly, a policy which permits the spread of sensitive national facilities, albeit under strengthened political commitments, international safeguards and physical security measures, would not in itself meet the problem of states acquiring capabilities which could quickly be turned to weapons purposes after abrogation of safeguards agreements.

We believe that a meaningful long-term non-proliferation policy requires the addition of a *third approach based on the principle of bilateral and multilateral incentives*. Such incentives must be responsive to other countries' energy requirements. In particular, in encouraging acceptance of our non-proliferation policy and objectives we must be able to provide assured supplies of non-sensitive nuclear fuels (e.g., low-enriched uranium) on a timely, adequate, reliable and economically acceptable basis and be responsive to concerns over the management of spent fuel and nuclear waste.

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<sup>6</sup> On September 25, 1976, in San Diego, Carter pledged that "if elected President, he would halt further arms sales of nuclear power technology and nuclear reactor fuel to any nation that refused to forgo nuclear weapons development or insisted on building its own national plant for reprocessing reactor fuel." (Charles Mohr, "Carter Vows a Curb on Nuclear Exports to Bar Arms Spread," *New York Times*, September 26, 1976, p. 1)

We also believe that *a key element* in developing international support for our non-proliferation policy is establishment of an International Fuel Cycle Evaluation Program that objectively and thoroughly examines the economic, environmental and non-proliferation advantages and risks of the current fuel cycle and major alternatives. The domestic component must relate our future energy needs with our non-proliferation and environmental objectives. The international component must seek to involve countries with major nuclear energy programs (both existing and projected) and address their legitimate concerns, to ensure that the evaluation will be internationally accepted.

This international component is particularly important because many other countries, including most key suppliers, strongly disagree with the US assessment that reprocessing is not necessary in the near term. Rather they consider this technology essential for resource conservation, for meeting waste handling and environmental requirements and for breeder development and fuel purposes.

### C. MAJOR ISSUES

While the approaches identified above—*controls, denials, incentives*, together with an *International Fuel Cycle Evaluation Program*—are key policy elements in our proposed overall non-proliferation strategy, a number of major policy implementation choices need to be made.

1. *How should the US deal with reprocessing and the export and disposition of weapons-usable materials?*

*There is interagency consensus<sup>7</sup> on the need for an international moratorium on the export of enrichment and reprocessing plants and technology, the most difficult cases being the existing French and German agreements to export such facilities to Pakistan and Brazil, and our efforts to ensure the absence of reprocessing in Taiwan.*

*There is an interagency consensus on the need for assessment of reprocessing and examination of alternatives for recovering energy value from irradiated fuel and that this evaluation should be international and broad based.*

*There is also an interagency consensus that domestic, regional, and international spent-fuel storage arrangements are needed in supporting our approach to reprocessing.*

Differences among Agencies exist, however, on the following issues:

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<sup>7</sup> Consensus, as used here and subsequently in the report refers to the working level only, and not necessarily to official Agency views. [Footnote is in the original.]

—*how an international fuel cycle evaluation program should allocate resources and effort domestically and internationally between reprocessing and alternative technologies.*

- Some argue that virtually all domestic technical evaluation efforts should be addressed to non-reprocessing technologies, in order to provide a clear signal to others that the US is not going forward with reprocessing. Existing reprocessing plants abroad could be used for evaluation of reprocessing, both technically and organizationally.

- Others favor an approach in which the US technical evaluation includes not only alternative technologies but also reprocessing itself in order to establish more effective safeguards and controls in the event that decisions (in the US or elsewhere) are made to proceed with reprocessing.

Options and recommendations on this issue are on pages 15 & 16.

—*how the US should deal with reprocessing activities abroad.*

- We are being pressed by Japan, Spain, Switzerland and Sweden to permit them to ship US-supplied fuel to the UK or France for reprocessing, on the grounds that lack of available spent fuel storage capacity could force them to shut down their reactors. This raises a number of issues requiring immediate decision: Should we permit reprocessing in existing facilities in these nuclear weapon states (NWS), subject to US approval over disposition of separated plutonium? Should we seek a moratorium on all *new* reprocessing plants? How should we handle existing reprocessing plants in non-nuclear weapon states (NNWS)<sup>8</sup> such as the plants in Japan, in Germany and Belgium? Do we integrate some, all or none of these into an International Fuel Cycle Evaluation Program?

- A major issue in our on-going negotiations is the US right of approval over reprocessing. This has also raised problems in our attempts to obtain such rights in negotiating with Iran, Spain, Yugoslavia and others. While there is a consensus on the need to tighten and extend our veto rights over reprocessing, we need to spell out the conditions under which we allow reprocessing and/or alternative disposition of spent fuel.

- Finally, there are the related questions of how to meet near-term domestic and foreign spent fuel storage concerns and how best to assure that adequate fuel supplies will be available during the evaluation period. In addition, we must determine whether or under what conditions to continue exporting weapons-usable material or reactors requiring their use. Proposed licenses to export highly-enriched uranium to the FRG and South Africa under existing contracts are pending and are being challenged in licensing proceedings.

2. *How can the US help to create a reliable nuclear fuel assurance system?*

*There is interagency consensus:*

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<sup>8</sup> In this report and in the NPT, only the US, UK, France, USSR and China are considered NWS. All others, including India, are NNWS. [Footnote is in the original.]

—that the US must move rapidly and decisively to reestablish its reliability as a nuclear fuel supplier, and that to achieve this end we must not only take steps to provide new enrichment capacity but also to restore certainty that contractual commitments will be honored on a timely basis for all cooperating states adhering to their non-proliferation obligations;

—that a policy of constraint on reprocessing *must* be accompanied by strong incentives, focusing on assured supply of low-enriched uranium and of natural uranium fuel;

—that the establishment of parallel policies among the nuclear supplier states which would at least entail cooperative planning of new enrichment facilities and close consultations on the relation between fuel assurances and “back-end” constraints is essential;

—that multilateral as well as international arrangements to assure access to fuel supplies are needed in order to avoid placing reactor exporting nations at a competitive disadvantage or recipients at an economic disadvantage provided they abide by generally accepted non-proliferation guidelines.

*Differences exist over what specific steps need to be taken now with respect to multilateral collaboration in the area of enrichment.*

Discussion of this issue and recommendations on fuel assurances are on pages 22–28.

3. *How should we tighten our agreements for civil nuclear cooperation and our nuclear export policy?*

Nuclear exports take place under agreements for cooperation between the US and individual recipient countries.

*There is interagency consensus that stricter terms should be required in new agreements including, if all suppliers concur, full-scope safeguards (i.e., safeguards on all nuclear activities in NNWS); and that we should seek to upgrade existing agreement to include at least some additional conditions.*

This study examines:

—what new requirements we will impose for *future agreements for cooperation*. Of primary concern are:

- Whether we make *full-scope safeguards* (i.e., safeguards on all nuclear activities in a NNWS) a condition of US nuclear cooperation or instead insist on alternative measures aimed at widening safeguards application.

- Whether and to what extent the US should impose new requirements in the absence of *agreement by other key suppliers* to impose them.

(A decision to impose increased safeguards and other conditions for new agreements would affect, among others, the proposed agreements with Israel, Egypt, and Brazil.)

—how we should *upgrade cooperation under existing agreements*, in particular:

- What *interim export standards* should we apply pending renegotiation of existing agreements and consultations with other suppliers.
- Should we favor, as part of our comprehensive legislative proposal, *the application of new stricter export standards either automatically or subject to a Presidential determination*, after a specified period of time.

If these new stricter standards (e.g., full-scope safeguards requirements) are applied to exports under existing agreements, this would require modification of all agreements. Depending on the nature of the increased safeguards conditions, these could be particularly difficult in the case of some key non-NPT parties such as India, South Africa and Spain. US reprocessing controls are also likely to raise bilateral tensions with both NPT and non-parties. While US leverage alone may suffice in many cases, whether other suppliers adopt similar policies will have an important bearing on the success of such a US policy.

It should be noted that current bills in Congress which have strong bipartisan support, go much further in tightening the criteria for *both* agreements and licensing, particularly in seeking to foreclose foreign reprocessing.

Options and recommendations on nuclear export policy are on pages 31–41.

#### 4. *How far-reaching a policy should we pursue alone and with others to strengthen sanctions against violations on non-proliferation obligations?*

There is a consensus supporting the October 28 statement to at least cut off nuclear cooperation with states who may in the future violate a US safeguards agreement. The issues now are:

—whether to extend this policy to include a clearly stated intention to cut off supplies in the event any international safeguards agreement is violated or if a US customer hereafter *explodes a nuclear device* (useful, perhaps, in the case of *India*);

—whether and how to strengthen the operation of the sanctions provision of the IAEA Statute;

—whether to expand sanctions into non-nuclear areas, such as automatic suspension of eligibility to receive discretionary US economic, military, or financial assistance;

—how much emphasis to place on obtaining agreement on common sanctions policies from other suppliers before determining a US position on the above measures?

Discussions and recommendations on these issues are addressed on pages 29–30.

#### D. *CONSIDERATIONS AFFECTING POLICY FORMULATION*

In addressing and deciding on specific issues associated with the above areas, four policy considerations must be factored in:

—*urgency* associated with the decision in question. For example, a number of bills have been introduced in Congress, that, if enacted, could adversely affect our ability to further non-proliferation objectives. The Executive Branch needs to put forward a comprehensive legislative package urgently to focus Congressional efforts in a supportive direction.

—*the relative emphasis given to denials, controls, sanctions and incentives* in implementing our non-proliferation policy. A decision on how to handle reprocessing of US-origin fuels, for example, must be evaluated in terms of whether our objectives are best achieved by strict controls over reprocessing, and recovered plutonium, denying outright authorization to reprocess, offering alternative guaranteed fuel sources in lieu of reprocessing, assistance in spent fuel storage or a combination of these approaches;

—*the degree to which the United States should stress a unilateral or multilateral approach* in defining and implementing our non-proliferation policy. For example, we must recognize that *fundamental differences may exist between the US and other supplier and recipient states* on the best way to control proliferation; and that unilateral US policies may lead to unproductive or possibly counterproductive non-proliferation results.

—*the need to assess the longer-term costs as well as benefits of short-term non-proliferation policy measures*. Total denial of safeguarded nuclear assistance to a given country could, for example, lead that country to undertake development of indigenous and uncontrolled nuclear weapons capability.

Against this background of policy considerations and major issues, the following section presents the detailed options and recommendations to allow policy decisions consistent with the overall strategy outlined above.

[Omitted here is Part II: Policy Options and Recommendations.]

326. Memorandum of Conversation<sup>1</sup>

Washington, March 11, 1977

## PARTICIPANTS

## FRANCE

Francois de Laboulaye  
Political Director

## UNITED KINGDOM

Sir Michael Palliser  
Permanent Under Secretary  
Sir John Hunt  
Cabinet Secretary  
Reginald Hibbert  
Deputy Under Secretary

FEDERAL REPUBLIC OF  
GERMANY

Gunter van Well  
Political Director

## UNITED STATES

Ambassador Henry Owen  
President's Representative  
Arthur A. Hartman  
Assistant Secretary  
David Aaron, Deputy Assistant  
to the President  
Robert Hunter, Senior Member  
National Security Council  
Roger Waldman, Assistant  
to Ambassador Owen  
James F. Dobbins, Jr. EUR/WE  
(Notetaker)

*Owen* opened the meeting by noting that its purpose was to review the handling of non-economic issues which President Carter wished to raise at the summit.<sup>2</sup> President Carter wished to raise these issues for two reasons: first, because he thought they were important and deserved discussion; and second, because he was of the general view that Japan should be involved more extensively in consultations with the United States and Europe on non-economic issues.

[Omitted here is discussion unrelated to non-proliferation.]

Turning to proliferation, *Owen* said that there had been bilateral contacts between the US and all the participants in the summit of the seven (Italy was to be contacted in the near future) on the US proposal for a fuel cycle evaluation program. In his own discussion with Japanese officials, Owen said, he had found them extremely interested. The subject of proliferation was on everyone's minds and would certainly be discussed at the summit. Certainly President Carter would do so. Owen suggested that there were two aspects of non-proliferation—restraints and how to meet legitimate needs. The question of restraints was being dealt with in the London suppliers group. It did not appear

<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 76, United Kingdom: 1-3/77. Secret; Sensitive. The meeting took place in the Old Executive Office Building.

<sup>2</sup> Reference is to the G-7 Summit scheduled for May in London.



that there was much the summit could add. The more interesting question was the second—that of meeting legitimate atomic energy needs. In this area it seemed to him that there were three principles which might be discussed and perhaps agreed upon at the summit. These were:

- that these needs were real and should be met;
- that it was in the general interest that these needs be met with the minimum risk of providing countries the means to convert civilian to military nuclear programs;
- in some cases a multilateral or international role in meeting these needs might be desirable.

If summit discussion could focus on these principles, continued Owens, and if agreement could be reached to launch a study to give effect to them, this would represent an important outcome.

Owen noted that the issue of energy was already on the summit agenda and suggested that as nuclear energy and thus non-proliferation were inextricably connected to this topic, perhaps they should be discussed under the energy item.

*De Laboulaye* acknowledged that it might be impossible to avoid a discussion of nuclear energy under the energy item. It was probably better, however, not to go into detail, given the limited time available at the summit. He suggested, therefore, that discussion be limited to the first two of the three principles Ambassador Owen had outlined. He felt that there was insufficient preparation for discussion to proceed to the third point—that of international intervention. In the absence of agreement, discussion at the summit on this point could be counterproductive.

*Owen* wondered whether there might not be agreement on the first of these two points, and on the initiation of a study. *De Laboulaye* replied that this was perhaps possible, but would seem to him to be the maximum his government could accept.

*Van Well* agreed that proliferation should be discussed under energy. He felt, however, that the third of Owen's proposed principles should be discussed among the four before participation was enlarged.

At this point there was some discussion about whether the four-power summit should come before or after the seven power meeting.<sup>3</sup> It was agreed that the desirability of discussion of non-proliferation among the four should not override other considerations which tended to favor scheduling the four-power meeting following the seven nation summit.

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<sup>3</sup> Reference is to the meeting among the United States, the United Kingdom, France, and the Federal Republic of Germany scheduled for May in London.

*Palliser* said that everyone was agreed on the importance of non-proliferation efforts. Discussion at the summit should not leave the impression that there was disagreement on this fundamental point. He agreed that the subject should be discussed under the energy item. He felt that the principles which Ambassador Owen had outlined were at a pretty high level of generality. The question was whether summit agreement to initiate a study would be viewed by press and the public simply as a way of postponing discussion.

*Ambassador Owen* noted that a great deal would depend on the outcome of bilateral consultations which the United States was undertaking with each of the summit participants. If there was agreement, the summit could reflect it. If there were not, one would have a different situation. In this case, perhaps, the summit should confine itself to endorsing the principles he had outlined—either two or all three of them. These principles might be rather general but that was, after all, in the best tradition of summitry.

*Hibbert* noted that it was important that non-participating states not feel that those at the summit were ganging up on them. *Owen* replied that his first principle was included for that purpose. Reflecting on the problem of non-proliferation in general, *Owen* recalled that Europe had confronted a somewhat similar difficulty thirty years ago and had resolved it by creating the European Coal and Steel Community. Perhaps on non-proliferation a similar international approach is needed to overcome national suspicion and rivalries.

*Owen* noted that bilateral consultations on the proposal for a fuel cycle evaluation program would have progressed by the next summit preparatory meeting. He felt there was agreement that proliferation should be discussed at the summit under energy, and that at least the first two of his three principles were generally acceptable. Whether the third principle could be agreed upon and a study initiated at the summit was still open for discussion. This was generally agreed to be a fair summation of where matters stood.

*Van Well* reiterated that there should also be discussion of proliferation among the four. This would offer a better form to review certain political ramifications of the issue. *Owen* inquired what questions the four would address. *Van Well* envisaged discussion in the four focusing on the political constraints which each of the participants felt in this area. *Hartman* agreed that a frank discussion of this sort among the four leaders would be very useful. No one felt that such a discussion would require detailed preparation. *Owen* noted that President Carter might well treat the political aspects of non-proliferation among the seven. *Van Well* said that this was perfectly acceptable but that other leaders might prefer to reply in the four.

[Omitted here is discussion unrelated to non-proliferation.]

**327. Intelligence Report<sup>1</sup>**

RP 77–10055

Washington, March 1977

*Political Perspectives on Key Global Issues*

[Omitted here are a table of contents and Parts I–V of the report.]

**VI. NUCLEAR PROLIFERATION**

Despite the efforts of the US and other nuclear supplier countries, a small number of states will probably fabricate nuclear explosives within the next decade or so. It is therefore necessary to plan for an era in which proliferation is occurring, as well as to continue efforts to prevent or retard its occurrence. The principal objectives of the discussion that follows are to identify and measure the strength of those trends that contribute to the proliferation process, to assess the implications of further proliferation for US interests, and to indicate some of the complexities of dealing with the dual problem of slowing the rate of proliferation and managing the consequences when it cannot be prevented.

**A. Motives, Capabilities, and Opportunities**

The decision to build nuclear weapons flows from a convergence of pressing national motivations and adequate capabilities.<sup>2</sup> While an appropriate technical base is a necessary precondition for the development of atomic arms, it is clearly not sufficient in itself to cause a country to cross the nuclear threshold. Several West European states, for example, have for some time been capable of building nuclear weapons. But because US security guarantees, the existence of NATO, and the general relaxation of East-West tensions have dampened anxieties about external threats, they have lacked the political incentives to do so.

For most states, considerations of national security have been and will continue to be the principal determinants governing their attitudes toward the acquisition of nuclear weapons. However, as the threshold costs of acquiring a nuclear capability are lowered, less demanding se-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 64, PRC 028, 7/27/77, North/South Issues [2]. Confidential.

<sup>2</sup> A nuclear weapon here refers to any explosive generated by fissionable materials. The distinction between an explosive and a weapon, although analytically valid, does not possess immediate policy relevance. In the contemporary political context, the possession of even a “crude” weapon has a psychological and political impact transcending its actual military utility. In the future, however, if and when more states attain greater levels of sophistication in weaponry and delivery systems, the size and quality of nuclear arsenals will take on important military and political significance. [Footnote is in the original.]

curity interests, and even prestige and domestic political motives may be enough to cause some states to reconsider the nuclear option.

While it should be emphasized that years of restraint have not necessarily immunized the nonweapon industrial democracies from pressures for proliferation, it is among the LDCs that the interaction of motivations and capabilities is of most concern today. In these countries feelings of political and military insecurity are widespread, aspirations to greater global or regional status abound, and the demands on domestic stability are difficult to satisfy. All of these political pressures are occurring at a time when the economic and technical costs of building nuclear weapons are declining.

#### *Political Motivations*

*Security:* Intense and longstanding regional conflicts account for much of the anxiety motivating the LDCs to acquire nuclear weapons. The likelihood that these basic feelings of insecurity will launch concrete actions designed to bring the nuclear option within reach has been significantly enhanced by several international developments, for example:

- Real or perceived inabilities to compete effectively in local conventional arms races because of deficiencies in access to foreign supply, in financial means, or in other resources (e.g., Pakistan and South Africa).

- The acquisition of a nuclear capability by a declared or potential rival (e.g., Pakistan and Iran).

- Loss of faith in the credibility or utility of great power security commitments (e.g., Pakistan, Taiwan, South Korea).

Other developments that have increased the security concerns of some nuclear threshold states (Taiwan and South Korea in particular) include the US defeat in Indochina, the continuing debate over withdrawal of American troops from abroad, and mounting evidence of wide popular support for reducing the level of US commitments generally. In short, the impression that national security will increasingly become the exclusive responsibility of individual states has buttressed arguments in favor of developing nuclear weapons for deterrence and defense.

*Prestige:* The demands of LDCs for more control over international arrangements affecting their fortunes and futures and their dissatisfaction with the existing international political and economic system have led many states to give priority attention to enhancement of their global or regional stature. And for some countries, most notably India and Brazil, but probably Argentina and Iran as well, the prestige associated with actual or potential nuclear status has furnished a particularly strong incentive for developing a nuclear weapons capability.

*Domestic Political Concerns:* Internal factors have also contributed to proliferation pressures in a growing number of countries. Substantial domestic benefits can accrue to regimes that can demonstrate the competence necessary to build a nuclear device, especially among the LDCs. The prestige of the Indian Government, for example, experienced such a boost when it set off its nuclear explosion, although its effects were largely temporary. Conversely, failure to undertake or complete a nuclear weapons program in the face of clear regional challenges or great power pressure could severely undermine a regime's existing base of support. This consideration may currently loom large in Pakistani Prime Minister Bhutto's calculations.

*Facilitating Factors*

A number of economic and technological trends have combined to facilitate the acquisition of the capability to fashion nuclear explosives. The enormous expense and vulnerabilities related to dependence on foreign sources of petroleum have, for example, heightened the appeal of nuclear power as a potential source of cheap, independent, and reliable energy. Also, the prestige that accompanies the acquisition and operation of highly sophisticated facilities, especially if it creates a potential base for increasing future military power, has made nuclear energy a particularly attractive investment for many states.<sup>3</sup>

Competition between suppliers of nuclear technology, arising in part from balance-of-payments problems created or aggravated by the enormous increase in the cost of imported oil, has also served to increase the capabilities of threshold states. Of the leading suppliers, the French and the Germans have offered to sell equipment that would greatly facilitate the fabrication of nuclear explosives. They have used a uranium enrichment plant and spent fuel reprocessing facilities as sweeteners to clinch sales of power reactors to Brazil and Pakistan.

Partly in this manner, nuclear technology originally acquired at great effort and expense by the leading nuclear states is now becoming widely disseminated. Not only have many of its initial mysteries become matters of public knowledge, but there has been an international effort, led to a great degree by the US, to assist LDCs to gain access to the benefits of the atom by providing research facilities and aiding in the construction of an international nuclear power industry.

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<sup>3</sup> Virtually any state with a nuclear power program can build a nuclear explosive within a decade or less of the decision to do so. It needs to separate out the plutonium produced as a byproduct of running power reactors (and design and develop a device). These are not trivial tasks, but not of insurmountable technical difficulty for many states. The political obstacles—ranging from consequence of the violation of treaty obligations to great power retribution—are more formidable. [Footnote is in the original.]

## B. Antiproliferation Efforts

With a few exceptions, the policies adopted by the great powers to slow the spread of nuclear weapons have focused primarily on limiting the opportunities and capabilities of threshold states. Hence, apart from a few international declarations of intent to resist nuclear aggression, such as Security Council Resolution 255,<sup>4</sup> most nonproliferation efforts have concentrated on creating institutional and legal arrangements to embargo, monitor, or control international nuclear commerce.

The reluctance of the major nuclear powers to address the problem of motivations directly is understandable. The costs in terms of the necessary massive readjustment of foreign policy priorities, the risks and the demands on limited resources that would flow from more active engagement in local and regional affairs in various parts of the world, and the loss of freedom of maneuver in areas ranging from superpower competition and alliance politics to North-South disagreements over the distribution of international wealth and power would be enormous. Furthermore, the high degree of concern and cooperation among the nuclear powers required for success in such an endeavor would be difficult to sustain.

The Non-Proliferation Treaty (NPT) of 1968 constitutes the central legal instrument of the anti-proliferation effort. Some 100 nations have adhered to the treaty since it was opened for signature. But a number of nuclear weapon and key threshold states, including France, India, Israel, Egypt, Pakistan, Brazil, and Argentina, have so far proved unwilling to endorse the Treaty.

While it does require nonweapons adherents to forgo the acquisition of atomic arms, the NPT makes only a passing reference to the major concerns which fuel the proliferation process. Addressing relatively minor motivating factors, it obligates the five nuclear weapons states to end their nuclear arms race and to supply peaceful nuclear explosives to nonweapons states at reasonable cost and on a nondiscriminatory basis. So far, however, neither of these pledges has been fulfilled.

The International Atomic Energy Agency (IAEA), under UN aegis, has become the central organizational instrument of the nonproliferation regime. It administers the international "safeguards" agreements governing proper use of peaceful nuclear materials and facilities.

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<sup>4</sup> UN Resolution 255, "Question Relating to Measures to Safeguard Non-Nuclear Weapons States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons," June 19, 1968, proclaimed that Non-Nuclear Weapons States threatened by "aggression with nuclear weapons or the threat of such aggression" would receive aid from UN members, in particular "nuclear-weapon State permanent members." ([http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/255\(1968\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/255(1968)))

Lacking enforcement powers, it acts chiefly as a certifying accountant. In performance of this function, it is obligated to notify all members of the IAEA, the Security Council, and the UN General Assembly of any “violations” that it uncovers. So far, the IAEA has reported no irregularities that it deemed warranted such action.

Within the IAEA an exporters’ committee of NPT signatories, known as the Zangger Committee, has been established. It maintains a “trigger list” of nuclear items that must be placed under IAEA safeguards before they can be transferred abroad. However, because some nuclear exporters are not NPT adherents or are uncomfortable with the public scrutiny arising from IAEA procedures, another organization has been formed to regulate nuclear commerce—the Nuclear Suppliers Group, also known as the London Suppliers Conference—and it has maintained the confidentiality of its discussions. It, too, has a “trigger list.”

Individual supplier states have also attempted to control the nuclear potential of nonweapons states by means of unilateral embargoes on nuclear technology and materials as well as through bilateral efforts to restrain other exporters and importers. The US, for example, has consistently refused to export nuclear fuel separation technology and has actively sought to block the proposed sale of such technology to Brazil, Pakistan, and South Korea by other suppliers. Similarly, Canada has threatened to suspend exports of nuclear materials to potential weapons states, while the Soviet Union has generally demonstrated great caution in managing the nature and extent of its nuclear exports.

There are a number of weaknesses in the NPT–IAEA system, including a provision that allows a nation to renounce its treaty obligations on 3 months’ notice. Another lies in the fact that, although the IAEA has so far escaped the politicization that has hampered other UN agencies, it is limited in effectiveness by shortages of funds and manpower. In addition, the nuclear safeguard regime is beset with the technical obstacles and uncertainties associated with almost any system of international inspection and verification. Indeed, the “normal” margin of error in the accounting practices at some nuclear facilities is large enough, theoretically, to permit the undetected diversion of enough nuclear material to build several weapons a year. Finally, with a few exceptions, only items of international nuclear commerce are covered by safeguards at all. Indigenous nuclear facilities can be developed that fall outside the inspection system, as in the Indian, Israeli, and South African cases.

Efforts to curb the spread of nuclear technology through unilateral embargoes and direct intervention have incurred substantial costs. In addition to the loss of export opportunities, the US, for example, has found that its tough antiproliferation posture has strained its political

relations with a number of LDCs, for example, Brazil and Pakistan. Moreover, US efforts to block sales of uranium enrichment plants or spent fuel reprocessing facilities by other suppliers have led to tensions with West European countries, particularly France and Germany, as well as with Japan.

Only one country, India, has publicly crossed the nuclear threshold since the NPT came into existence. Measured in these terms, the antiproliferation effort has been relatively successful. But the number and determination of the countries that are currently seeking to place themselves in a position to develop nuclear weapons underscore the inadequacy of a basically unidimensional approach and raise troublesome questions about the decade that lies ahead.

### C. The Outlook

In part because of the persistence and interplay of the global problems discussed in earlier chapters, none of the principal political motives for acquiring nuclear weapons shows signs of losing its force in the decade ahead. On the contrary, the odds are that some factors, such as aspirations to regional dominance arising from new-found economic power, will loom larger than before. It is also safe to assume that the international environment will continue to be characterized by considerable tension and conflict, the international political and economic systems will remain under challenge, and a substantial number of governments will have to cope with domestic strife and instability.

At the same time, technological advance and the continued spread of nuclear expertise are almost certain to continue to erode the economic and technical obstacles to developing nuclear weapons. Thus, pressures for proliferation will mount while the difficulty of crossing the nuclear threshold will decline.

Recognition of this state of affairs is likely to sustain the trend toward greater consensus and cooperation among nuclear suppliers that has emerged during the past few months. Although the currently contested sales of sensitive technology to Pakistan and Brazil may yet go through, tighter export controls recently adopted by France, Canada, and perhaps Germany, indicate that nonproliferation is gaining in salience as an international issue.

Nevertheless, although some of the major weapons powers may desire to undertake more energetic efforts than in the past to dampen the basic motives that underlie the proliferation process, they will find it exceedingly difficult to do so within the framework of a comprehensive and coordinated campaign because of other, conflicting national and international policy objectives. And since the record suggests that measures aimed primarily at curbing the ability of LDCs to develop a nuclear device can do no more than slow the proliferation process, the



prospects are strong that over the next years or so additional states will either fabricate nuclear devices or develop the capacity to do so on very short notice.

#### D. Implications

While certain to add new risks and complexities to international politics, the emergence of a few new nuclear powers need not necessarily provoke regional holocausts, dangerous superpower confrontations, or an all-out nuclear arms race. On the contrary, there is some prospect that the introduction of nuclear weapons into some current areas of tension and conflict (e.g., the Middle East and the Korean Peninsula) could, over time, contribute to regional stability and reduce interstate violence by creating local “balances of terror.”<sup>5</sup> Elsewhere, the acquisition of atomic arms by states not feared for their irredentist or hegemonial ambitions might diminish the chances—or at least constrain the scope—of wars among regional rivals through what one observer has described as a “porcupine effect.” And in any case, if the superpowers can muster the necessary determination, they will have it within their powers to reduce significantly the risks of direct nuclear confrontation arising from third-party disputes.

Nonetheless, the proliferation process will require careful and constant management during the critical period of adjustment that will characterize the decade ahead, if some of the more disastrous consequences are to be avoided. The actual impact of proliferation will depend in large part on the pace at which the process proceeds, the motives and behavior of the states that acquire nuclear weapons, and the actions taken by the major nuclear powers to anticipate and contain the tensions and problems that arise.

One of the most important determinants of the consequences of proliferation is the nature of the states that eventually do develop nuclear weapons. The character of the regime and the motivation for achieving nuclear status are the two most critical factors. Unfortunately, a great number of the potential LDC nuclear powers have political systems prone to chronic or latent instability, which makes their nuclear conduct difficult to predict. Although a valid argument can be made that any additional proliferation heightens regional and global tensions generally, some states clearly represent more risk than others. For example, the Brazilian-Argentinian rivalry, which centers more on a competition for prestige than deep-seated antagonisms, would likely

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<sup>5</sup> The conviction—publicly professed by a number of Arab spokesmen—that Israel has a nuclear arsenal may have been one of the factors contributing to the recent moderation of Arab positions on the settlement of the Middle East conflict. [Footnote is in the original.]

provoke a much less dangerous nuclear arms race than the Pakistani-Indian case.

Until now, the relatively long time lag between each new entry into the nuclear club has eased the task of containing the resulting reverberations. The expanding list of states with large and growing stockpiles of plutonium-bearing spent reactor fuel creates the potential for a more destabilizing spread of nuclear explosive capabilities. While it is true that the decision to traverse the nuclear threshold will be made by autonomous political units, a chain reaction may be established as each successive proliferating state anticipates the security implications of the nuclear program of other states. Not only are "proliferation chains" possible in specific regions (the Middle East, Latin America, Far East), but nonsecurity motivations may also set them off across regions—e.g., Brazil following Pakistan, Iran following Brazil—as aspiring regional powers compete for international prestige and status.

The attitudes and policies of the major nuclear powers will perhaps be the single most important determinants of the ultimate consequences of the proliferation process. They have an obvious common interest in preventing the nuclearization of regional conflicts that could involve the superpowers in a serious confrontation. However, crosscutting interests impair their ability to employ cooperatively the military, political, and economic measures necessary to lessen the regional insecurities driving the resort to nuclear diplomacy. Paradoxically, Taiwan, West Germany, Japan, and South Korea—to cite a few—are cases where great power competition has led to a nuclear umbrella for weaker allies that now serves to restrain further nuclear proliferation.

The challenge to US policy arising from the proliferation process will therefore be twofold: to continue to slow the spread of nuclear weapons and to cope with such additional proliferation as occurs. Judgments advanced earlier in this discussion suggest that the first of these tasks is likely to become increasingly difficult. And both tasks are certain to conflict to some degree with other important objectives, such as controlling the pace of conventional arms transfers, disengagement from regional conflicts, and advancement of human rights. Hence difficult policy choices will be required.

The transfer of increasing quantities of sophisticated conventional weaponry to LDCs may be necessary to deflect them from developing nuclear weapons or, if that fails, from brandishing or using them once they have been fabricated. US military capabilities may need to be increased or reoriented to deal with new and more powerful potential adversaries. Some longstanding tacit or explicit alliances may need to be reevaluated in terms of the costs of association with or intervention on the behalf of new nuclear states or their rivals. The adoption of any or all of these courses of action may well interfere with other policy ob-

jectives—and it is unlikely that any single approach will be able to address comprehensively the proliferation consequences presented by every nation in every region.

Whatever the specific trade-offs made, the costs of managing the proliferation process over the next decade—and particularly of those steps that will be needed to dissuade new nuclear states from brandishing or using their weapons—will be high. In a sense, they will likely be comparable to those that would have been involved in addressing the general admixture of motives driving the proliferation process at an earlier stage. One possible advantage may be that they can be paid piecemeal and with better appreciation for the risks and trade-offs involved, and for their likely damage-limiting effects.

In any event, *greater cooperation among the major nuclear powers will be essential*. Specifically, such concert will have to be directed toward decoupling possible regional conflicts from their own global competition, assuaging regional tensions, and controlling the behavior of new nuclear states through a combination of pressures and incentives. Since the interests of the USSR and the PRC will be even more directly threatened than those of the US should most of the present threshold states attain nuclear status, the Communist powers might prove quite willing to explore ways of sharing those burdens.<sup>6</sup>

In sum, proliferation presents a twofold problem of delay and management. *Slowing* proliferation when it cannot ultimately be *stopped* could prove of substantial value in reducing the long-term costs of the process. The dangers for regional and global peace can probably best be muted if the process is spread out as much as possible in both time and space. Thus, special attention should be paid to the requirements and costs of dampening the effect that the entry of each new member into the nuclear club is likely to have on pressures for proliferation elsewhere—including those felt in the industrialized states that have so far eschewed the acquisition of nuclear weapons.

Finally, since the degree and quality of great power cooperation will greatly affect the level of risk to the US and to the world generally of the proliferation process, special attention will have to be paid to the prospects for and the reverberations of acquisition of nuclear arms by those states (e.g., Taiwan, Japan, and West Germany) most likely to have the sharpest adverse impact on relations among the powers. Here, as in most aspects of the proliferation issue, the Communist powers

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<sup>6</sup> The emphasis placed on nonproliferation by the great powers may create opportunities for linkage by threshold and nonthreshold states alike. Other issues—conventional arms transfer policies, North-South economic relations, law of the sea negotiations, energy cooperation, or behavior in international organizations—might become entangled with great power antiproliferation efforts. [Footnote is in the original.]

will probably have strong incentives to cooperate with the US. But even then, the resources and attention necessary to minimize the dangers presented by the spread of nuclear weapons are likely to be substantial and continuing.

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**328. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, undated

SUBJECT

Summary of PRC Meeting on Nuclear Proliferation (PRM-15)

The meeting<sup>2</sup> began with a summary by Nye, of the two principal conclusions of the review:<sup>3</sup> that the U.S. should seek a *pause* in international nuclear developments which make weapons useable material more available; and that the pause would be used for an *international nuclear fuel cycle evaluation program (hereinafter FCEP)* in which suppliers and recipients jointly participate.

*FCEP and Reprocessing: The Key Question*

Discussion opened on the principal issue: What should the FCEP evaluate? Should the evaluation concern itself with improvements (safety and safeguards) in *reprocessing*? Or, should it concern *alternatives* to reprocessing and to other sensitive technologies which make plutonium or HEU directly available? Views were presented on what should be done about domestic reprocessing, but without reaching any conclusion. The discussion quickly turned to the question of what the FCEP should evaluate and how it should be presented to the international community. ERDA felt that in order to be "credible" the evaluation would have to include reprocessing, (Option *a*, Recommendation 3, p. 16). State felt that while FCEP should concentrate on alternatives, that we could not present the international program as one in which reprocessing is a closed question to which we already know the answer. Therefore, the evaluation would have to include reprocessing abroad,

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 60, PRC 007, 3/16/77, Nuclear Proliferation. Secret; Sensitive. Brzezinski did not initial the memorandum.

<sup>2</sup> No minutes or summary of conclusions of the March 16 meeting were found.

<sup>3</sup> See Document 325.

although we would cancel it domestically so as to provide a strong “educational” signal.

Brown argued that this position raised the question of “who would co-opt whom”. He felt that State’s position amounted to saying “we won’t reprocess, but you can” whereas we could be saying “we won’t, and we don’t believe you should because it’s dangerous and perhaps suicidal”. Brown doubts that State’s position is a correct tactic: “If we are unable to head off the French, the Germans, and the Japanese then we are simply indulging in a self-denial”. He stated that even Option *b* as presented in the PRM isn’t strong enough: “the tone of the paper doesn’t satisfy me” and that the only tactic which holds some chance of success would be to take a very tough position against reprocessing. He acknowledged that this is a risky approach and we have no way of knowing whether it will work.

Schlesinger agreed that we will have to spend “considerable diplomatic capital” and added “the only way to head off the French is to deal with the breeder, just playing around with safeguards isn’t going to do it”. However, he is even less optimistic than Brown that our efforts will be successful. On being asked to sum up his position, Brown said that the FCEP should focus “exclusively on alternative fuel cycles not requiring separation of plutonium”. When asked by others how he would prevent other nations from going ahead with reprocessing he replied: “we will let them go ahead to the extent we can’t help it”. Warnke agreed with Brown. Schlesinger did not disagree but was highly skeptical of its chances of success. Nye continued to argue that some reprocessing was required “as the bait on the hook” and to answer “technical and institutional” questions.

#### *International Plutonium Storage*

The group reached quick agreement that we *not* continue to pursue the concept of an IAEA plutonium storage regime as proposed in the October 28th statement<sup>4</sup> (Recommendation 5, p. 18, Option *b*).

#### *Full Scope Safeguards*

All agencies firmly agreed that we should adopt full scope safeguards as a “goal”, the discussion concerned whether we should adopt them unilaterally. ACDA took the lead in strongly arguing that we do (Option *a*, Recommendation 13, p. 34) while State argued for a modified version (Option *b*) under which a nation would not have to place *existing* sensitive material under safeguard and could acquire an *un-safeguarded* sensitive facility by simply *terminating*—but not techni-

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<sup>4</sup> See footnote 2, Document 317.

cally breaking—its agreement with us. State believes that this option would be more acceptable to non-NPT parties, particularly, Israel.

Aaron argued that the Israelis would never agree to this, and that therefore we might as well adopt full scope safeguards because of its symbolic significance. ERDA disliked both Options *a* and *b* and favored Option *d*—continuation of present policy. Schlesinger moved from a position of uncertainty to one of outright disapproval of full scope safeguards, warning that it was “not a risk but a certainty” that we would lose some of the market share we now have if we adopt full scope. Brzezinski commented that we have to be much more explicit in the assumptions we make as to the probable reactions of other nations to our policies. We have to be more precise about the political price we may have to pay. The discussion ended with no consensus, but with some leaning toward full scope safeguards.

#### *Application of New Criteria*

The group then considered how new export criteria would be imposed on existing agreements for cooperation (Recommendation 19, p. 41). State favored the position that the law should require the President to determine after a specified time whether supply to a given nation could continue if all the criteria are not met (Option *b*). ERDA on the other hand favored Option *c* which would simply make the new criteria “negotiating goals” which would be applied to existing agreements only when there is complete supplier acceptance. ERDA feels that “we no longer have much market control, its timely to use what we’ve got”.

#### *EURODIF Purchase*

The question of whether the United States should purchase shares in EURODIF (multinationally-owned enrichment enterprise in France) was discussed. State was alone in urging that the Administration seek legislative authority to do so. Others argued that this proposal needs more study, particularly Schlesinger who argued that this plan would amount to saying that “we don’t trust ourselves” and that it would be a direct attempt to “circumvent U.S. law and U.S. policy”. All then agreed on the need for further study, with State urging that it be treated as a “matter of urgency”.

#### *Legislative Approach*

There was a swift and complete consensus that the Administration produce its own comprehensive legislative package, rather than attempting to work through bills already introduced.

#### *Open Season*

On the question of whether ERDA should hold an open season (Recommendation 7, p. 24) when customers would be allowed to cancel

or defer enrichment commitments made on the basis of unrealistic demand expectations, there was complete agreement, except from Schlesinger who felt that we had worked hard to get long term contracts, and now we should stick to them.

#### *Follow-On Needs*

Nye summarized the issues which urgently need further work, including establishing the international diplomatic framework for the pause and the FCEP, and the budgetary and program decisions necessary to implement whatever policy is agreed upon. He felt that the former task should be carried out by a task force chaired by State, and the latter by one chaired by ERDA. Both task forces would be subcommittees of the follow-on interagency group.

#### *OMB*

OMB, was not represented at the meeting, but did submit written comments<sup>5</sup> which focus on “the lack of necessary analysis” in several areas, but particularly as regards the fuel assurances and spent fuel storage incentive programs. OMB feels that questions of scope, costs, criteria, effectiveness and domestic impacts have not been adequately defined and that therefore the studies proposed in Recommendations 4, 8 and 10 be clearly recognized as studies and not as plans for implementation. OMB also favors continued funding for some reprocessing activities (Option *a*, Recommendation 3).

### **Attachment**

#### **Areas of Agreement<sup>6</sup>**

Washington, undated

There is consensus (or very nearly so) on these PRM recommendations.

<i>Number</i>	<i>Subject</i>	<i>Comments</i>
1 (p. 13)	Pause	ERDA notes its belief that if Japan participates in the evaluation program the Tokai plant should be allowed to operate.

<sup>5</sup> Not found.

<sup>6</sup> Secret.

2 (p. 14)	International Evaluation Program	-----
4 (p. 17)	Spent Fuel Storage	OMB feels that much more must be learned about the parameters, costs and consequences of such a program, but does not disagree so long as the study is clearly a study and not a plan of implementation.
5 (p. 18)	International Plutonium Storage	Consensus at PRC on option <i>b</i> —de-emphasize efforts to establish international plutonium storage. (This reverses a recommendation made by Ford in the October 28th statement.)
7 (p. 24)	Fuel Assurance—Further Study and Open Season <sup>7</sup>	All agencies agree on open season (allowing both cancellation and deferral) but at PRC meeting Schlesinger disapproved, feeling that this would be “administrative self-abuse” and “would not help to establish our credibility as a supplier”.
8 (p. 24)	Fuel Assurance—Revised Terms for Enrichment Contracts	-----
9 (p. 25)	Fuel Assurance—Presidential Override of NRC Decisions	-----
10 (p. 26)	Fuel Assurance Study	OMB feels that on this as on 7 and 8 above, that the PRM goes too far toward implementation and does not adequately reflect the current lack of programatic development and budgetary analysis. OMB has no problem with a thorough study however.

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<sup>7</sup> Debated at PRC. [Footnote is in the original.]



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|--|---|
| 11 (p. 27) Investment in<br>EURODIF/COREDIF <sup>8</sup>       | Consensus was reached after PRC discussion that this proposal will not be adopted at this time but will be studied as one of many possible international fuel assurances to be analyzed in 10 above—the study to be conducted as a matter of urgency. |
| 12 (p. 29) Sanctions   | There is strong agreement on this package with the exception that ERDA “questions the wisdom” of the proposed legislation since it might “unduly limit Presidential flexibility”.   |
| 13 (p. 34) Safeguard Policy if<br>agreed by other<br>Suppliers | -----   |
| 15 (p. 35) Provisions re PNEs <sup>9</sup>                     | This issue is closely tied to, and should be considered in connection with the question of required safeguards (Recommendation 14).   |
| 16 (p. 36) Other Provisions in<br>New Agreements               | -----   |
| 17 (p. 37) Criteria Applied to<br>Existing Agreements          | ERDA has problems with the reprocessing criterion which it feels “could immediately result in delays in export”.  |
| 18 (p. 39) Upgrading Existing<br>Agreements                    | OMB approves if it is understood that the use of fuel assurances as “primary incentive” in any negotiation be contingent upon Presidential approval of recommendations made in the study required by 10 above.  |

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<sup>8</sup> Debated at PRC. [Footnote is in the original.]

<sup>9</sup> Debated at PRC. [Footnote is in the original.]

- 20 (p. 43) Legislative Package<sup>10</sup> Vigorous unanimity at PRC that Administration should develop its own comprehensive bill.
- 21 (p. 49) Non-Nuclear Alternatives All agencies approve this recommendation, but it is substantially weaker than position taken during campaign. Stronger alternative (World Energy Conference, or some other) is proposed.

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<sup>10</sup> Debated at PRC. [Footnote is in the original.]

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### 329. Memorandum of Conversation<sup>1</sup>

Washington, March 22, 1977, 10:35 a.m.

#### PARTICIPANTS

President Jimmy Carter  
 Takeo Fukuda, Prime Minister of Japan  
 Vice President Walter Mondale  
 Cyrus Vance, Secretary of State  
 Ichiro Hatoyama, Minister of Foreign Affairs  
 Zbigniew Brzezinski, National Security Advisor  
 Sunao Sonoda, Minister of State and Chief Cabinet Secretary  
 Thomas Shesmith, Charge' d'Affaires, American Embassy, Japan  
 Fumihiko Togo, Japanese Ambassador  
 Keisuke Arita, Deputy Vice Foreign Minister  
 Richard Holbrooke, Assistant Secretary of State for East Asia  
 Toshio Yamazaki, Director General  
 Hisashi Owada, Private Secretary to the Prime Minister  
 Koji Watanabe, Division Chief, First Section North American Affairs Bureau,  
 Foreign Ministry  
 Henry Owen  
 Michael Armacost, Senior Staff Member, NSC (Notetaker)  
 Robert Hormats, Senior Staff Member, NSC

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, VIP Visit File, Box 8, Japan: Prime Minister Fukuda, 3/18–24/77, Folder 8. Secret; Noform. The meeting occurred in the Cabinet Room. The memorandum is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XIV, Korea; Japan.

Ryuichiro Yamazaki (Interpreter)

James Wickel (Interpreter)

William Sherman, Japan Country Director, Department of State

The President began by outlining to the large meeting the points discussed in his preceding private talk with Prime Minister Fukuda.<sup>2</sup> He underscored the importance the U.S. attaches to nonproliferation and the reprocessing of spent nuclear fuel, and noted that we are currently in the process of developing a national policy concerning energy which would be made public in mid-April. He expressed his belief that reprocessing spent fuel elements of light water reactors is not necessary anywhere in the world. He noted that despite the billion dollar investment we have made in the Barnwell reprocessing facility in South Carolina, if we adopt the policy on reprocessing toward which he is currently inclined, that facility will not be used. He acknowledged that Japan has a large stake in nuclear energy and has developed its own pilot reprocessing plant at Tokai.<sup>3</sup> He added that this issue—which will be on the agenda at the Summit meeting in London—will require international agreement, and he hoped that we could get all nations to forego the use of reprocessing capabilities. In this connection the President said he had given the Prime Minister the just-published report of American scientists on the problems and potential of nuclear energy use (*Nuclear Power Issues and Choices*). The President emphasized the need for very close consultations among governments to develop guidelines for restraint in this area which we would apply first to ourselves and to all nations of the world, not just Japan.

The President recognized that there are many nations involved in this problem. He stated that we have complete confidence in Japan's sincere desire to avoid proliferation, but, he said, we need a worldwide agreement to control the proliferation of nuclear weapons capabilities. In this connection he referred to difficult negotiations we have already undertaken with Germany, Brazil, Pakistan, and France. In addition he said that we are trying to control the development of a nuclear weapons capability in Taiwan, the ROK, South Africa, and India. He noted that Canada and Australia, both major producers of uranium, are eager to control proliferation. He expressed again his belief that close consultations between the U.S. and Japan were desirable, whatever his final decision. He affirmed that we intend to avoid making our decisions in a way which would be embarrassing to Japan, but he reiterated his desire to promote a wide agreement concerning reprocessing capabilities that would help avoid the spread of nuclear weapons.

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<sup>2</sup> Not found.

<sup>3</sup> The implications of the Japanese reprocessing plant at Tokai are analyzed in an NSC Paper, undated, attached to a memorandum from Brzezinski to Carter, April 5; *ibid*.

The Prime Minister then emphasized the special position of Japan concerning nonproliferation. Japan, he said, is the only nation which suffered a nuclear attack; the Government of Japan firmly maintains the three non-nuclear principles, i.e. no manufacture, no use, no introduction of nuclear weapons into Japan. His concerns about nonproliferation, Prime Minister Fukuda said, may even exceed those of President Carter. At the same time, Japan's energy situation compels it to explore all possible alternatives to fossil fuels. When Japan ratified the Non-proliferation Treaty, the GOJ promised the Diet and the Japanese public that this would remove impediments to Japan's acquisition of a complete nuclear cycle, including reprocessing capabilities.<sup>4</sup> Japan now has a pilot reprocessing plant which is ready to begin "hot" tests this summer. Inability to initiate these tests, Fukuda said, as a result of U.S. decisions would constitute his "biggest political headache".<sup>5</sup> The Prime Minister then posed the question: "Are other countries possessing reprocessing capabilities going to stop their activities in this field? What about the communist countries?" If the others continue, and Japan is prevented from doing so, he said this would constitute an example of "unforgivable inequality". Prime Minister Fukuda promised to pass the report which the President had given him on to his experts, but he added that urgent consultations at a governmental level between the U.S. and Japan would be required. He asked, "Who is the highest and most authoritative U.S. representative on this subject with whom we should consult?"

The President indicated that the U.S. would try to obtain the agreement of the UK, France, West Germany, and the USSR—as well as Japan—to join us in stopping reprocessing. We think reprocessing is wasteful and unnecessary. We have no authority over other nations, he said, but we are thinking in terms of voluntarily complying with constraints on the use of reprocessing capabilities ourselves even in the ab-

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<sup>4</sup> In an undated memorandum, Vance told Carter that since Japan was "90 percent dependent on outside energy sources," it saw nuclear power "as its only realistic means of reducing this dependence" in spite of its "historic sensitivity to the dangers of proliferation." (Carter Library, National Security Affairs, Brzezinski Material, VIP Visit File, Box 8, Japan: Prime Minister Fukuda, 3/18-24/77, Briefing Book [III]) Carter initialed Vance's memorandum. In his memoirs, Brzezinski recalled that he had alerted Carter "to the extreme sensitivity of the Japanese to any changes in our nuclear policy and the impact these changes would have on U.S.-Japan relations." (Brzezinski, *Power and Principle*, pp. 130-131)

<sup>5</sup> On February 25, the Embassy in Japan warned the Department of State that "the Japanese believe that controls on fuel reprocessing which the U.S. may adopt could set back their effort to make themselves less dependent on OPEC oil. It would be difficult to overstate the strategic importance of this issue. In all probability, few developments could contribute more to confirming Japan's long-term orientation toward the U.S. than our assured cooperation in its nuclear energy program." (Telegram 2626 from Tokyo, February 25; National Archives, RG 59, Central Foreign Policy File, D770065-0493)

sence of an international agreement. The President emphasized that we intend to assure reliable supplies of enriched uranium for light water power reactors, and the United States is moving in the direction of improving its ability to provide fuel to other nations. As for the USSR, he indicated that he did not know what position they would take, but Secretary Vance would be able to give a quick report after his visit to Moscow.<sup>6</sup> Dr. James Schlesinger, he said, would represent him in further discussions with Japan on this subject.

The Prime Minister asked whether U.S. policy decisions in this area would be announced on April 20.

The President indicated they would.

The Prime Minister then asked whether the U.S. expected to be in touch with the British, French, Germans, and Japanese on this matter before that time.

The President again responded affirmatively.

The Prime Minister indicated his intent to designate someone from the Japanese side to represent his government in urgent consultations with Schlesinger.

The President said “fine”.

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>6</sup> Vance met with Soviet leaders in Moscow, March 28–30. See Document 332.

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### 330. Presidential Directive/NSC-8<sup>1</sup>

Washington, March 24, 1977

TO

The Vice President  
The Secretary of State  
The Secretary of Defense  
The Director, Arms Control and Disarmament Agency  
The Administrator, Energy Research and Development Administration

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<sup>1</sup> Source: Washington National Records Center, OSD Files: FRC 330–80–0017, Box 62, A–388.3 NON–PRO 1977. Secret.

ALSO

The Director of Central Intelligence  
 The Chairman, Nuclear Regulatory Commission  
 The Assistant to the President for Energy Policy

SUBJECT

Nuclear Non-Proliferation Policy (C)

It shall be a principal U.S. security objective to prevent the spread of nuclear explosive—or near explosive—capabilities to countries which do not now possess them. To this end U.S. non-proliferation policy shall be directed at preventing the development and use of sensitive nuclear power technologies which involve direct access to plutonium, highly enriched uranium, or other weapons useable material in non-nuclear weapons states, *and* at minimizing the global accumulation of these materials.

1. Specifically, the U.S. will seek a pause among all nations in sensitive nuclear developments in order to initiate and actively participate in, an intensive international nuclear fuel cycle re-evaluation program (IFCEP) whose technical aspects shall concern the development and promotion of alternative, non-sensitive, nuclear fuel cycles. This program will include both nuclear supplier and recipient nations.

2. For its part the United States Government will:

—Indefinitely defer the commercial reprocessing and recycle of plutonium in the U.S.

—Restructure the U.S. breeder reactor program so as to emphasize alternative designs to the plutonium breeder, and to meet a later date for possible commercialization. As a first step the need for the current prototype reactor, the Clinch River project, will be reassessed.

—Redirect the funding of U.S. nuclear research and development programs so as to concentrate on the development of alternative nuclear fuel cycles which do not involve access to weapons useable materials.

—Provide incentives, in the area of nuclear fuel assurances and spent fuel storage, to encourage the participation of other nations in the International Fuel Cycle Evaluation Program. Detailed studies of these programs shall be carried out by the NSC Ad Hoc Group established herein, and submitted to me as directed in the accompanying memorandum.

—Initiate a program of assistance to other nations in the development of non-nuclear means of meeting energy needs.

—Increase production capacity for nuclear fuels.

3. It shall also be U.S. policy to strengthen the existing non-proliferation regime: by encouraging the widest possible adherence to the Non-Proliferation Treaty, and to comprehensive international safeguards; by strengthening and improving the IAEA; and by providing stronger sanctions against the violation of nuclear agreements. There-

fore the U.S. will announce its intention to terminate nuclear cooperation with any non-nuclear weapons state that hereafter

—detonates or demonstrably acquires a nuclear explosive device;  
or

—terminates or materially violates international safeguards or any guarantees it has given to the United States.

4. In order to implement these policies to perform the necessary studies, and to coordinate departmental activities in the non-proliferation field, I hereby establish an NSC Ad Hoc Group, to be chaired by the Department of State, and to include the Presidential Assistant for Energy. This group shall establish task forces, chaired by the appropriate agencies, to perform, among others, the tasks detailed in the accompanying memorandum.

**Jimmy Carter**

### **Attachment**

#### **Tasks for the NSC Ad Hoc Group<sup>2</sup>**

Washington, undated

The NSC Ad Hoc Group, established in PD-8, is directed to:

—prepare and submit by March 31 a comprehensive list of all activities, facilities and technologies related to nuclear power, which involve direct access to weapons useable materials;

—prepare and submit by April 1, a review of the Fiscal 1978 budget with appropriate recommendations to implement the policies set forth in the accompanying Presidential Directive;

—prepare and submit by April 5, proposed nuclear export policies, including: a summary of current applications for export of Highly Enriched Uranium and plutonium; criteria which should be applied to nuclear exports at the licensing stage; a list of criteria and conditions which should be required for new and amended agreements for cooperation, and necessary revisions in existing agreements; explicit options covering U.S. policies on consent to retransfer, reprocess, reexport and reuse U.S.-supplied fuels, Highly Enriched Uranium, plutonium, and materials irradiated in U.S.-supplied facilities; and legislative proposals to implement these recommendations;

—prepare and submit by May 1, a detailed study of measures the U.S. might take so as to be able to offer nuclear fuel assurances to na-

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<sup>2</sup> Secret.

tions participating in the International Fuel Cycle Evaluation Program, including: rigorous revised estimates of future nuclear energy demand; measures to expand U.S. enrichment capacity; analysis and justification of U.S. stockpile programs; recommendations for appropriate terms and conditions for future toll enrichment contracts; assessments of the benefits of declaring an open season on enrichment contracts; exploration of international undertakings and agreements; and other short and long-term options for providing nuclear fuel assurances and collaborating with other suppliers;

—prepare and submit by May 1, a thorough study of measures the U.S. might take concerning nuclear fuel storage including: measures to expand U.S. spent fuel storage and transportation capacity; proposals for meeting the storage needs of those participating in the International Fuel Cycle Evaluation Program; analysis of the advantages and disadvantages of international spent fuel storage (but not plutonium storage which the U.S. shall discourage and measures to accelerate the development, demonstration and licensing of long-term spent fuel storage, both retrievable and terminal.

—prepare and submit by May 1, a program for promoting the development of non-nuclear energy alternatives and for assisting other nations with non-nuclear means to meet their energy needs.

**Jimmy Carter**

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### 331. Telegram From the Department of State to the White House<sup>1</sup>

Washington, March 27, 1977, 0451Z

67973. For Dr Z Brzezinski only. Following tel sent Action Bonn, Brasilia, Brussels, Berlin, The Hague, Islamabad, London, Moscow, New Delhi, Ottawa, Paris, Prague, Rome, Stockholm, Tehran, Tokyo, Warsaw, Info NATO, EC Brussels, IAEA Vienna, USUN New York, USDel Secretary from State March 27:

Quote Secret State 67973 Tosec 30017. Eyes only for the Ambassador; Moscow for Secretary Vance. Subject: Presidential Nuclear Policy Statement.

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<sup>1</sup> Source: Carter Library, Papers of Walter F. Mondale, Box 84, National Security Issues—Nuclear Policy, 2/1977–4/1979. Secret; Immediate; Nodis. Printed from a copy that indicates the original was received in the White House Situation Room.



1. In the very near future, the President intends to announce certain policy decisions concerning nuclear non-proliferation.

2. You should approach host government at high level—Foreign Minister, Prime Minister, or equivalent—and advise host government in strictest confidence of forthcoming Presidential statement, indicating that U.S. is consulting only small number of important states in advance. You should explain that we envisage announcement will present U.S. domestic policy decisions, within context of strong U.S. desire to develop effective international arrangements to meet global energy needs, while minimizing risk of spread of nuclear explosive capabilities.

3. For your use in briefing host government, you should use the following talking points, which may be left behind as a Non-Paper.

Begin text:

(A) The United States is mindful of global energy needs, and the desire of individual countries to gain a secure source of energy supply. At the same time, the U.S. is deeply concerned about the consequences for all nations of a further spread of nuclear explosive capability. It believes that these risks would be vastly increased by the further spread of sensitive nuclear technologies. The United States views sensitive technologies and facilities as those which involve direct access to plutonium, highly enriched uranium, or other weapons useable material.

(B) The United States has made a thorough review of nuclear fuel cycles, bearing in mind all relevant factors. It has concluded that the overriding dangers of proliferation and direct implications for peace and security—as well as strong scientific and economic evidence—mitigate for a major change in U.S. domestic nuclear energy policies and programs.

(C) Accordingly, the United States has reached the following domestic decisions which will be announced in the very near future. The United States will:

(I) Indefinitely defer the commercial reprocessing and recycling of plutonium in the U.S.;

(II) Restructure the U.S. breeder reactor program to emphasize designs other than the plutonium breeder, and to defer date for possible commercialization;

(III) Redirect funding of U.S. nuclear research and development programs, to concentrate on development of alternative nuclear fuel cycles which do not involve access to weapons useable materials; and

(IV) Increase U.S. production capacity for nuclear fuels.

(D) These U.S. domestic decisions have implications for other nations. Accordingly, the United States wishes to consult closely with a limited number of interested nations on the international implications of its domestic decisions, and on the best way for it to proceed in con-

cert with these other nations to promote the objective of developing effective international arrangements to meet global energy needs and minimize the risk of proliferation.

(E) The United States would like to discuss a wide range of international approaches and frameworks, that will permit all nations to achieve their energy objectives while reducing the likelihood of a further spread of nuclear weapons. Among other things, it wishes to explore the possibilities of an international nuclear fuel-cycle evaluation program, aimed at exploring (I) alternative, non-sensitive fuel cycles; (II) a variety of international and U.S. measures to assure access by all nations to nuclear fuel supplies and spent fuel storage.

(F) The United States is committed to strengthening the non-proliferation regime: by encouraging the widest possible adherence to the NPT and to comprehensive international safeguards; by strengthening and improving the IAEA; and by enforcing sanctions against the violation of nuclear agreements with the U.S.

(G) The United States seeks comments and suggestions on this approach, as part of developing a multilateral framework to resolve issues raised above. Initial comments and questions would be welcome in advance of announcement of U.S. domestic nuclear policies and programs. These comments and questions may be given to the U.S. Ambassador for referral to Washington, or directly to the State Department through embassies in Washington. We would welcome receiving initial comments and questions by April 1.

(H) Following announcement of U.S. domestic programs, the United States will continue the closest possible consultations with other governments, seeking ways to meet in an international framework the various problems and issues involved. End text.

4. For Brasilia and Islamabad. On an urgent basis the Department would value advice you may have to offer in connection with briefing host government. Christopher. Unquote.

**Christopher**

**332. Memorandum of Conversation<sup>1</sup>**

Moscow, March 29, 1977, 4:30–7:30 p.m.

**SUBJECT**

Middle East, Arms Control

**PARTICIPANTS***UNITED STATES*

Secretary Cyrus R. Vance  
Ambassador Malcolm Toon  
Mr. Paul Warnke  
Assistant Secretary Arthur  
Hartman  
Mr. William Hyland  
Mr. Leslie Gelb  
Mr. William D. Krimer,  
Interpreter

*USSR*

Foreign Minister A.A. Gromyko  
Deputy Chairman of the Council  
of Ministers L.V. Smirnov  
Deputy Foreign Minister G.M.  
Korniyenko  
Ambassador A.F. Dobrynin  
Notetaker—Name Unknown  
Mr. V.M. Sukhodrev, Interpreter

[Omitted here is discussion unrelated to non-proliferation.]

**NON-PROLIFERATION**

*Gromyko* suggested that the subject of non-proliferation required some discussion.

*The Secretary* said he would be happy to start. As he had indicated the other day, the question of non-proliferation was a matter of major concern for our government, for the Carter Administration.<sup>2</sup> As a consequence of the priority we attached to this issue, we had begun a study immediately upon taking office. That study was about to be completed. We would be prepared to discuss such things as international fuel assurance arrangements, international spent fuel storage and strengthening IAEA safeguard arrangements. As a result of the study, we had come to the following conclusions, which would be announced very shortly: First, we would indefinitely defer commercial fuel reproc-

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Vance to Moscow, March 28–30, 1977. Secret; Nodis. Drafted by Krimer; and approved in draft by Hyland. The meeting took place at the Kremlin. The memorandum of conversation is printed in full in *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 20.

<sup>2</sup> On March 28, Vance told Brezhnev and Gromyko that Carter “felt that we must be bold and vigorous in achieving control over nuclear weapons,” that “in the very near future we would announce certain policy decisions concerning nuclear non-proliferation,” and that the United States “shared Soviet concern about the dangers of proliferation of nuclear weapons, and we believed that the actions which we are about to take would constitute a major step forward toward this end.” The memorandum of conversation is printed in full in *Foreign Relations*, 1977–1980, vol. VI, Soviet Union, Document 17.

essing; Secondly, we intended to restructure our breeder reactor program in such a way as to stress designs other than plutonium-related; Third, we would redirect the funding of nuclear research and development programs in such a way as to concentrate on alternative nuclear fuel cycles that would not involve materials that could be used for weapons purposes; Fourth, we planned to increase US production of nuclear fuels. We believed that these steps will be constructive and that they should be discussed in international fora, to see whether international action could be taken to strengthen control on sensitive technology with the objective of stopping further proliferation. That in brief was where we stood today. We would, of course, continue to urge those who had not signed the NPT to sign and ratify the treaty in view of its great importance. We would continue to encourage widest possible use and adherence to the treaty and urge strengthening and improving safeguards for enforcing sanctions against violators of such a treaty.

*Gromyko* said that he had listened to the Secretary's communication on this issue with interest, and so had his colleagues. Soviet views on this issue were as follows: the task of preventing nuclear war demanded most insistently that insuperable obstacles be placed in the path of the spread of nuclear weapons. Above all, this was the task of making the NPT, already in effect, truly all-embracing and universal. It was well-known fact that countries such as the Peoples Republic of China and France were outside the treaty; so were a significant number of other countries. The Secretary knew this well and also surely knew that there were some countries that were very close to starting the building of their own nuclear weapons. The Soviet Union was prepared, together with the United States, to continue efforts aimed at insuring that these and all other states so far outside the treaty become parties to the treaty. Why could not our two countries think of some new forms of influencing them, perhaps even on a trilateral basis (i.e., the US, the USSR, and UK) or on a bilateral basis only, with the Soviet and US governments approaching the governments of non-participating countries to speed up adherence to the treaty. Speaking quite frankly, *Gromyko* would say that the Soviet side had not yet observed any energetic measures on the part of the United States to exert its influence in the right direction. It was quite true that occasionally some statements were made urging adherence, but this was only a small part of what could be done. He would not say that the United States had acted wholeheartedly in this matter so far. The danger remained that non-nuclear countries which received nuclear materials from other countries would utilize such materials for purposes of weapons development. The Soviet Union was resolved to make sure that international cooperation in this field and in the field of peaceful nuclear explosions not become another channel for nuclear weapons proliferation. He was

convinced that this was not a commercial question, but a major question of policy.

By way of example, Gromyko thought it would be appropriate to mention the current nuclear deliveries by the FRG to Brazil and by France to Pakistan, deliveries that could not but give rise to concern. In the Soviet view, what was needed was effective nuclear control over any receiving country. The Soviet Union had advocated and now advocates all-embracing improvement of the system of control in this field, and was prepared to cooperate with the United States and others.

*The Secretary* interrupted to say he appreciated hearing this from Gromyko. As Gromyko would know, we had worked with Brazil, Germany, France and Pakistan to see to it that sensitive materials and information transfers through creating processing plants not be brought to fruition, and that other measures be taken to guarantee fuel supply so as to eliminate the danger in this area.

*Gromyko* said it would be hard for the Soviets to believe that the United States was not able to bring greater pressure to bear on Brazil in these matters. Had the Brazilian leaders really come to the conclusion that they could not live without nuclear weapons? He thought the Brazilians must be fully aware of the fact that their action might set off a chain of events, thereby worsening the situation. Of course, he knew that some positive statements were being made in the US from time to time, say every six months or so, but it seemed to him that the United States was not fully using its options to bring pressure to bear. Perhaps the new Administration would need some time before it could do more in this respect.

*The Secretary* said he disagreed with the Minister. His deputy had gone to Brazil to discuss this issue.<sup>3</sup> We had asked Brazilian leaders to stop their arrangement with Germany and find an alternate solution. We had told them we would guarantee fuel supply. As a result of this maximum pressure, Brazilian-US relations had become quite strained. It was difficult to see how we could have done more.

*Gromyko* said that, of course, the Secretary was a better judge of what could be done. He would suggest that in addition to the contacts we had on this subject within the framework of international organizations, it would be useful to hold Soviet-American consultations on the whole complex of the problem of non-proliferation of nuclear weapons. It was true that we had not had too much contact in this respect. Some meetings were held a long time ago and at infrequent intervals. In the course of such consultations, the Soviet Union and the United States could agree on joint action in the direction of improving the already op-

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<sup>3</sup> See Document 404.

erating London understanding between the exporting countries, in which the Soviet Union, the United States and others were active. In the course of such consultations we could also review the effectiveness of IAEA functions, and discuss the question of sanctions. We had a great deal to do.

*The Secretary* said that he would welcome that.

*Gromyko* said that was very good. He would ask that both sides specifically reflect on when they could consult on setting a specific schedule.

*The Secretary* agreed to do that.

*Gromyko* said he wanted the US Government and President Carter to know that the Soviet Union attached signal importance to the entire issue of non-proliferation. The Soviet leadership liked it when the President, or the Secretary, or others, stressed the importance of this issue in the view of the United States.

*The Secretary* said that was very good. The President will be very pleased to hear of this Soviet position.

[Omitted here is discussion unrelated to non-proliferation.]

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### **333. Telegram From the Embassy in the Federal Republic of Germany to the Department of State<sup>1</sup>**

Bonn, March 29, 1977, 1851Z

5585. Department please pass Moscow for Secretary Vance. Subject: Presidential Nuclear Policy Statement. Ref: (A) State 67973;<sup>2</sup> (B) Bonn 5498.<sup>3</sup>

Begin summary: After carefully reviewing talking points outlining substance of forthcoming presidential statement on nuclear policy and making several comments and inquiries regarding specific points, Chancellor Schmidt said outline would be studied immediately and

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840084-2207. Secret; Immediate; Nodis.

<sup>2</sup> See Document 331.

<sup>3</sup> In telegram 5498 from Bonn, March 29, Stoessel said "In the interest of our own credibility," the United States should "expedite the issuance" of enriched uranium licenses to the FRG "in all cases where such action would not run directly contrary to our broader non-proliferation policy." (National Archives, RG 59, Central Foreign Policy File, D770107-0555)

comments would be given as soon as possible, in first instance orally to Secretary Vance when he visits Bonn March 31<sup>4</sup> however, Schmidt underlined in serious tone that he felt time limit of April 1 for comments on subject of such major significance to his country and to world as a whole was quite inadequate. Somewhat bitterly, he questioned whether this procedure reflected the nature of genuine consultations which should take place between allies. End summary.

1. Chancellor Schmidt received me March 29 for what developed into one and one-half conversation. Subject matters concerned forthcoming presidential statement on nuclear policy, FRG-Brazil nuclear deal, financial aid to Portugal and SOFO. (Latter three subjects will be reported Septels).<sup>5</sup> Chancellor was accompanied by Chancellery Deputy Assistant Secretary Loeck; I was alone.

2. After listening to my presentation regarding presidential statement on nuclear policy and carefully reading Non-Paper which I left with him containing talking points, Chancellor commented that, at first glance, he felt US position as outlined was “not free from in-built intellectual conflict.” In this connection, he noted point (F) in talking points where it is said that US is committed to encouraging widest possible adherence to the NPT. He had no quarrel with this thought and indeed supported it strongly; however, Chancellor felt it would be more accurate if reference had been made to an “amended NPT,” since it seemed clear that US was not satisfied with NPT as it presently exists. Indeed, if NPT were to be re-negotiated, one could think of a number of changes which should be made in it based on experience of last ten years. Chancellor recalled his conversation in Bonn with Vice President Mondale in which he had stressed that FRG will adhere to NPT and to any other treaty to which it is a party;<sup>6</sup> moreover, FRG will be ready to negotiate additional agreements in field of non-proliferation which would contribute to increased controls.

3. In present circumstances, however, Chancellor saw a discrepancy between US calling for wider adherence to NPT and our stand with regard to provision of nuclear technology to other states, as reflected in our attitude toward FRG-Brazil agreement. Here, he referred to Article IV of NPT providing for non-discrimination. I remarked that

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<sup>4</sup> During their March 31 meeting, Schmidt handed Vance a Non-Paper detailing his government's comments. (Tosec 30162/71504; Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 43, Proliferation: Foreign Consultation, 3–4/77)

<sup>5</sup> Telegram 5766 from Bonn, March 31, contains information on the Vance-Schmidt discussions of the FRG-Brazil nuclear deal, aid to Portugal, and the U.S. Army's Special Operations Field Office (SOFO) in Berlin. (National Archives, RG 59, Central Foreign Policy File, P850050–2334)

<sup>6</sup> See footnote 2, Document 398.

we did not believe that Article IV constituted an obligation for a state to transfer sensitive nuclear technology to a state not possessing it. Chancellor rejoined that this could be our interpretation and could be valid for US, but he did not see that, on other hand, Article IV constituted an obligation on the FRG to refrain from transferring such technology.

4. Chancellor inquired as to meaning of phrase "indefinitely defer" (para B.1 of talking points) in reference to commercial reprocessing of plutonium. He wondered if this meant that a firm decision had been taken to cancel all plans for commercial reprocessing; I said I did not believe this was the case and that the phrase should be taken as it stands, i.e., that further work on commercial reprocessing installations would be deferred for the indefinite future. Chancellor inquired if US had military reprocessing plants in operation and I responded affirmatively.

5. Chancellor noted wording in para F of talking points regarding sanctions against the violation of nuclear agreements with the US and inquired whether at the present time the US considered that any states with nuclear agreements with the US are in violation of those agreements. I replied that I did not believe that this was the case and that the wording was intended to apply to possible future events.

6. In this connection, the Chancellor referred to "reluctance" of US to deliver highly enriched uranium to EURATOM<sup>7</sup> and inquired whether this should be taken as a deliberate signal and a foreshadowing of the type of sanctions which the US would take against other states which might not agree with US views on nuclear policy. I said this was not the case and that the delay in approval of shipments of highly enriched uranium has been caused by bureaucratic requirements. (In this connection, see Reftel (B).)

7. Chancellor focussed on date of April 1 (para G of talking points) by which US would wish to receive comments and noted that this was extremely short timeframe in which to comment meaningfully on matter of such importance to FRG and to world as a whole. He said

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<sup>7</sup> Telegram 43 to Brussels, January 2, refers to a petition by the Natural Resources Defense Council (NRDC) to the Nuclear Regulatory Commission (NRC) requesting that exports of Highly Enriched Uranium for use in FRG nuclear reactors be denied. The NRDC claimed that since the FRG had refused to commit to "not export these technologies and 'because the FRG has shown a willingness to export sensitive nuclear technologies,' (apparently a reference to FRG-Brazilian cooperation), development of these reactor types by the FRG will inevitably lead to their spread to other countries." The NRDC also cited "over a dozen alleged inadequacies in EURATOM safeguards system, including absence of various types of U.S. back-up safeguard rights, lack of physical security requirements, and inadequate U.S. knowledge of operation and inability to obtain information from EURATOM system." Despite the petition, the Department of State reported that it expected that the export application, currently "under review within executive branch," would "shortly be forwarded to the NRC with recommendation for issuance." (National Archives, RG 59, Central Foreign Policy File, D770001-1281)



that, obviously, FRG would wish to give most serious consideration to statement of such “global strategic significance” but that it was clearly impossible to provide considered views by April 1. At this point, Chancellor queried whether Prime Minister Fukuda of Japan had been informed of forthcoming Presidential statement on a matter of such importance to Japan during his recent visit to the United States. I said I did not know but that Japanese Government, together with small number of other governments, was being informed at present time of proposed statement.

8. Chancellor noted Secretary Vance would be visiting Bonn March 31 and that preliminary FRG views could be conveyed to him orally at that time. However, and here Chancellor spoke in emphatic and serious tones, he wished to emphasize his personal view that, if indeed President’s statement is to be issued as soon as April 3 or 4, he would find it difficult to understand, since he did not feel that provision of such a limited time for consideration of a question of this magnitude was really compatible with the type of consultative procedures which should obtain between close allies.

9. Deputy Assistant Secretary Loeck, who escorted me out of chancellery after conversation with Schmidt, noted implications of Presidential statement for FRG’s program to develop reprocessing capability. He said FRG feels latter is essential to accomplishment of FRG’s nuclear energy program; in light of this, Loeck said, he anticipated that President’s proposed statement would be seen as having extremely serious impact on FRG’s situation.

**Stoessel**

**334. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, April 1, 1977

## SUBJECT

Comments on Jim Schlesinger's Memorandum of March 31 Regarding PD No. 8

I have no fundamental problems with Jim Schlesinger's thoughtful comments (Tab A). More specifically:

1. Regarding constraints on non-nuclear weapons states, it seems to me that the distinction between nuclear weapons states and non-nuclear weapons states is an important fact; in some circumstances this *fact* should be treated differently when it involves in one case an ally and in another case a non-ally, and our diplomacy should reflect this additional distinction.

2. With respect to the phrase "demonstrably acquires a nuclear explosive device," [2 lines not declassified] Thus I believe you retain the needed flexibility, though otherwise Jim's point is well taken.

3. Unless I am profoundly mistaken, I think that the first interpretation given by Jim to the phrase "emphasize alternative designs to the plutonium breeder" is correct.

4. I share Jim's concern that we do not overdo our efforts given our interest in good trilateral relations. I believe your present efforts at consultations take that consideration into account. The question which is really at issue here is one on which the government is deeply divided: should the fuel cycle evaluation program include reprocessing, or just alternatives to it? The first section of the attached summary of the PRC meeting on proliferation (Tab B)<sup>2</sup> will give you some feeling for the different positions.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 4, PD-08 [1]. Secret. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> See Document 328.

**Tab A****Memorandum From the President's Assistant (Schlesinger) to President Carter<sup>3</sup>**

Washington, March 31, 1977

## SUBJECT

Problems Raised by P.D. No. 8

In accordance with your suggestion,<sup>4</sup> I outline below the four problems that I see created by the precise wording of P.D. No. 8.

1. *The all-inclusive constraint on non-nuclear weapons states.* The P.D. imposes a definitive barrier between the nuclear weapons and non-nuclear weapons states in terms of the handling of nuclear power technologies. Some non-nuclear weapons states, notably Germany and Japan, will regard this barrier as highly discriminatory. Both at the time they were urged to ratify the NPT and in bilateral negotiations both countries were assured that they would not be subjected to discrimination by remaining in the status of non-nuclear weapons states. (It has been the continuing desire of the United States Government to avoid creating any incentive to become a nuclear weapons state.) Reprocessing facilities in Germany, Japan, and also Belgium and Italy were established under these understandings. These nations must be persuaded to join with the United States in the effort directed toward the control of weapons-useable material. But they will not accept being treated as in the same category as Pakistan, Iran, or Brazil. To avoid unproductive controversy and to provide the proper incentives for collaboration, the line of distinction will have to be drawn someplace other than the non-nuclear weapons states.<sup>5</sup>

2. *Termination of nuclear cooperation.* The difficulty in the phrase "demonstrably acquires a nuclear explosive device" [*2½ lines not declassified*] The political difficulties are obvious. Consequently, you may desire to put more flexibility in your policy position before going public.<sup>6</sup>

3. *The U.S. breeder program.* If the phrase "emphasize alternative designs to the plutonium breeder" implies that new money and the high growth rates will go to alternative designs, that is readily accom-

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<sup>3</sup> Secret. In the upper right-hand corner of the memorandum, Carter wrote "Zbig—Comment. J."

<sup>4</sup> Not found.

<sup>5</sup> In the right-hand margin next to this paragraph, Carter wrote "I agree."

<sup>6</sup> Carter underlined the words "before going public" and wrote "not going public with this" in the right-hand margin next to this paragraph.

plished. If, however, it were to imply that aggregate spending on and program size of the alternatives will be larger than for the LMFBR program, it would imply either the dismantling of the LMFBR program or waste in the other programs or both. We will need, I believe, to maintain an adequate base program for the LMFBR. We should avoid plowing ahead with commercialization. But we must continue our R&D on the LMFBR because in the 21st Century it may be an essential fallback—if none of the other energy alternatives materialize. We cannot afford, as the Ford Foundation study emphasizes,<sup>7</sup> simply to back away from R&D on the LMFBR. We can defer commercialization, but it will remain an essential fallback option.<sup>8</sup>

4. The larger diplomatic problem embodied in the P.D. No. 8 is one requiring your careful analysis, to assure that substantive benefits exceed diplomatic costs. Briefly other nations will be reluctant to follow us on reprocessing and even more reluctant to follow our lead on deferring the breeder. The starker (and purer) our diplomatic position on these matters, the less likely is it that we shall gain the necessary acquiescence of the Germans and Japanese, let alone the French. But ultimately we must have the collaboration of the other supplier countries. Thus, the question for your determination is the amount of diplomatic capital that you wish to expend in staking out a position which has the virtue of logical clarity but has the deficiency of forfeiting the necessary foreign support.<sup>9</sup>

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<sup>7</sup> Not found.

<sup>8</sup> In the right-hand margin next to this paragraph, Carter wrote "I agree."

<sup>9</sup> In the right-hand margin next to this paragraph, Carter wrote "I agree."

**335. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to the Deputy Secretary of State (Christopher)<sup>1</sup>**

Washington, undated

## SUBJECT

The Future of the London Suppliers Group

I am very concerned at the evolution of the proposal to expand the London Suppliers Group to include "threshold" states, from the status of a suggestion we were willing to study in order to make progress in the German-Brazilian talks, to a proposal whose implementation we are now apparently studying.<sup>2</sup>

In my view, there are several compelling reasons for not expanding the London Group, to wit:

—The London Suppliers Group has been a powerful and effective instrument for achieving concerted supplier policies. It is the only such instrument available.

—Brazil may have two reasons for wanting entrance: status and the ability to disrupt the suppliers club through an expanding membership of recipients (if Brazil is admitted, many other nations will demand equal treatment). Thus their motive might be not only to become one of the big guys, but perhaps to destroy the only really effective anti-proliferation forum in the process.

—We clearly have to deal with the growing antagonism among the non-supplier LDCs toward the ability of the suppliers to set policy both in the London Group and in the IAEA. However my understanding was that this was precisely the function we were envisaging for the Fuel Cycle Evaluation Program which would be open to any nation which wished to join.

—However, if *both* the London Group *and* the Fuel Cycle Evaluation are open to recipients, we are left with no forum in which the suppliers can agree on tough anti-proliferation policies.

—Expanding the Suppliers Group would be an enormous price to pay for . . . what? We have no indication so far that Brazilians would give up the sensitive parts of the FRG deal as the quid pro quo for admittance. Even if they were to accept this condition, however, this plan

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 32, London Suppliers Group: 3–6/77. Secret. At the top of the memorandum, an unknown hand wrote "[illegible] Sent 4/1/77 [illegible]."

<sup>2</sup> Not found.

seems like short sighted policy. What are we going to offer to the next nation—Pakistan and the others which will follow—which will already be members because of the expansion.

—In an expanded group the Soviet Union would gain direct access to Western supplier relations with Western consumers. It could be expected to take a hard line—and then sit back and watch us try to pick up the pieces with Brazil and others.

I believe that this is a very important decision, and one which has not been seriously enough studied. I note that it has been discussed with several parties, including the Russians. My feeling is that we should make clear to the Germans and to others who may ask, that the U.S. position is that the expansion is a proposal—one among several—that we are willing to consider and to study, but no more. Anything beyond this I believe would require the President's direct approval. I would welcome your thoughts on this matter.

**Zbigniew Brzezinski<sup>3</sup>**

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<sup>3</sup> Brzezinski signed the memorandum "Zbig."

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**336. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, April 2, 1977

**SUBJECT**

Proliferation—Follow-on to PD-8

As a result of the Presidential Decision you signed last week, several tasks were immediately assigned to the follow-on group. The first paper is attached. A second decision paper addressing the Japanese problem is also ready at this time.<sup>2</sup> Negotiations with the Japanese begin next Tuesday. Three more short papers, dealing with different aspects of U.S. nuclear export policies, will be ready within a few days.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 4, PD-08 [1]. Confidential. Sent for action. In the upper right-hand corner, Carter wrote "Zbig—What do we have in reprocessing capacity now. For military or other purpose? J."

<sup>2</sup> Reference is to a discussion paper on Japan's reprocessing plant at Tokai. The paper can be found in the Library of Congress, Manuscript Division, James Schlesinger Papers, Energy Department, Japan, 1977-1979.

In PD-8, you build U.S. policy around the central concept that the U.S. will attempt to discourage the further development and use of “sensitive nuclear power technologies which involve direct access to weapons useable materials.” The first task is therefore to *define* exactly what we will classify as “sensitive,” and in so doing, to achieve government-wide agreement on this central issue. Since these definitions will form the conceptual bedrock of our policy, they do require your approval. One issue—concerning technologies which appear to lie on the borderline—is flagged for your special attention (Part II).

Part III of the paper deals with important political questions, and with the crucial issue on which the bureaucracy is still deeply divided, of whether our evaluation program will include reprocessing, or just alternatives to it, and more specifically, what the U.S. attitude should be toward existing reprocessing plants.

The attached paper (much of which I do not understand) was approved by an interagency group, including Jim Schlesinger.

## **Attachment**

### **Paper Prepared by the Interagency Group on Proliferation<sup>3</sup>**

Washington, undated

#### *ACTIVITIES, FACILITIES AND TECHNOLOGIES INVOLVING DIRECT ACCESS TO WEAPONS USEABLE MATERIAL*

##### *I. Definition of Weapons-Useable Materials*

Weapons useable materials are:

- uranium which is enriched in the isotope 235 to 20% or greater (HEU), or uranium-233 (produced by irradiation of thorium).
- plutonium.

These materials must be in either *metal* or *oxide* forms in order to be directly useable in weapons: we will call these forms *Category A*.

Uranium 235 and 233 and plutonium may be present in various chemical and physical forms short of pure oxide or metal: conversion of these forms to pure oxide or metal presents differing difficulties in terms of complexity of chemical operations, time required, and amount of material required. They can be categorized as follows:

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<sup>3</sup> Confidential.

*Category B: Material requiring relatively simple chemical operation*

- HEU in  $\text{UF}_6$  form (i.e. the output of enrichment plants).
- HEU oxide or metal in unirradiated fuel elements.
- HEU and/or Pu in nitrate form (i.e. the output of reprocessing plants).

*Category C:<sup>4</sup> Material requiring more complex chemical operation*

- unseparated U-Pu nitrates (e.g. from “coprocessed” LWR fuel).
- mixed oxide (U-Pu) fuel for LWRs (Pu less than 20%).

*Category D: Material involving complex chemical operation, in presence of high radioactivity levels, or involving isotopic separation (decreasing order of difficulty)*

- low enriched or natural uranium.
- all irradiated fuel.
- partially coprocessed fuel (i.e. some fission products removed).

**II. Technologies/Facilities**

The major nuclear fuel cycles are presented in Table I, and identified by their utilization or production of the various categories of material. The Table reveals much useful information concerning proliferation. For example, it indicates that only one strictly non-sensitive fuel cycle now exists: the heavy water natural uranium cycle (HWR) without reprocessing. It should be noted however, that the HWR has significant non-proliferation problems. Its core uses many more, smaller individual (and therefore harder to keep track of) fuel rods than an LWR, and it is reloaded continuously, without shutting down the reactor. On the other hand, an LWR must be shut down to be reloaded, and this is only done twice a year, after which it is sealed. The HWR is also capable of producing high quality weapons grade plutonium without interfering with its power production. It was a research version of this reactor which produced the material for the Indian explosion.

The other attractive fuel cycle from the proliferation viewpoint is the LWR without recycle. A large majority of nuclear power programs are based on this reactor (though not on this fuel cycle). The principle drawback of the LWR cycle, is of course that it requires—somewhere—an enrichment capability. All known enrichment processes produce a Category B product, except laser isotope separation which produces Category A.

The decisions which arise from these technical analyses relate to which technologies will be included in our international program, and

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<sup>4</sup> There is some controversy over whether Categories B and C are really different. The answer is not yet known. You should note that they may turn out to be essentially one category. However the gap between C and D is very large. [Footnote is in the original.]



which we regard as too sensitive, and therefore beyond the pale. The major problem on which agencies now disagree, is whether coprocessing should be encouraged, for example at Tokai. NRC feels that coprocessing is no better in the long run than reprocessing, ACDA disagrees. Other agencies are unsure. To a lesser degree, this same confusion holds for partial coprocessing. This issue is addressed in the accompanying paper on Tokai. It does not require a Presidential decision at this time, but any guidance you might care to offer would be valuable.

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

### III. *Political Aspects*

To be effective, the evaluation program needs to develop and demonstrate:

1. technical alternatives which will maximize physical barriers to the direct accessibility of weapons-useable materials, e.g., LWRs with long-term spent fuel storage instead of reprocessing, or cycles using fuel "spiked" with highly radioactive material from partial coprocessing.
2. technical/political alternatives which will isolate sensitive technologies, facilities and materials under effective institutional arrangements, e.g., multinational centers, or supplier monopolies on sensitive facilities.
3. institutional arrangements by which positive results of the program could be implemented as widely as possible.

The success of the evaluation program will depend, in large part, on a) its acceptability to the other industrialized countries and b) the degree to which it can be reconciled with existing programs relating to breeder development and associated reprocessing. In this regard, it should be noted that the British are in the process of scaling up their Windscale reprocessing facility, the French have a commercial reprocessing plant in operation with specific plans to increase capacity, the Japanese have built their Tokai pilot reprocessing plant and are ready to begin testing it, and the FRG has a pilot reprocessing plant in operation and appears firmly committed to another much larger facility.

Table II lists existing or planned foreign reprocessing facilities. All of these nations also have avowed interests in proceeding with the breeder. In some cases, the U.S. does not have substantial leverage over their activities. Our objective is to try to induce them to actively participate in the evaluation program and to reorient their current programs.

Given this situation, we could seek the cooperation of France, the UK, and the FRG through an evaluation framework which would include optimizing safeguards and related controls that might be applied

to reprocessing and related plutonium handling facilities. Results of such work would prove valuable should we not be successful in moving the world away from a plutonium economy.

Alternatively we could adopt an approach which would leave existing facilities outside the evaluation framework. At the same time, in either case, the U.S. could attempt to wean away British and French reprocessing clients through aggressive aid with spent fuel storage, and through selective use of the U.S. veto over reprocessing of U.S.-origin fuel.

*If we adopt a more confrontational position, such as seeking to actively discourage operation of all foreign facilities, there is significant risk that key allies will go forward in spite of our efforts, that we will undercut our attempts to move others away from a plutonium economy, and that we will be isolated in the process from both industrialized and developing countries.*

ISSUE: General U.S. stance toward existing reprocessing facilities:

Include in the evaluation program—work to improve safeguards  
\_\_\_\_\_.

Neutral stance—existing plants outside the evaluation program  
\_\_\_\_\_.

Actively discourage reprocessing wherever it exists \_\_\_\_\_.

Other \_\_\_\_\_.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**337. Memorandum From the President's Assistant (Schlesinger) to President Carter<sup>1</sup>**

Washington, April 7, 1977

## SUBJECT

## BREEDER REVIEW REPORT

In late February, I directed the Acting Administrator of the Energy Research and Development Administration (ERDA)<sup>2</sup> to establish a Steering Committee to review the Liquid Metal Fast Breeder Reactor (LMFBR) program with particular emphasis on the role of the Clinch River Breeder Reactor Project (CRBR) in the program. The Steering Committee was made up of knowledgeable opponents and proponents of the breeder reactor program. The work of the Committee has been completed and the Acting Administrator has provided me with his judgements, conclusions and recommended courses of action.

The Committee reached a consensus conclusion<sup>3</sup> that the U.S. should:

- Preserve the fission option for the long term;
- Research reactor technologies consistent with our nonproliferation objectives;
- Recognize there is no totally proliferation-proof fission option.

I regard these conclusions as sound foundations of our policy on advanced nuclear technologies and they reinforce the role of nuclear power in providing portions of our future energy needs.

The Committee's disagreements centered around the balancing of energy risks and proliferation benefits of pursuing alternative systems. The balancing of these risks and benefits is at the heart of national policy on the breeder program, and the Committee's disagreements illuminated the central issues. The role of the CRBR is primarily a function of the larger risk-benefit issue of the breeder.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, James Schlesinger Papers, Box 1, Chronological File, 1977 Apr. No classification marking. The Committee's Report is available on the National Resources Defense Council's website. ([http://docs.nrdc.org/nuclear/files/nuc\\_77060801a\\_23.pdf](http://docs.nrdc.org/nuclear/files/nuc_77060801a_23.pdf))

<sup>2</sup> Not found.

<sup>3</sup> After the word "conclusion," Schlesinger wrote "\*" and at the bottom of the page wrote "\*" a delightful surprise since Committee included such [illegible] as Thomas Cochran and Russell Train."

However, the risks of pursuing alternative systems depend almost entirely on assumptions, of which there are many varying views, regarding:

- the size of the U.S. uranium resource;
- the installed nuclear capacity in 2000;
- the rate of electricity demand growth after 2000.

With an estimate of 400,000 megawatts of installed nuclear capacity by about the year 2000, which is consistent with our national energy policy, it can be concluded that:

- if uranium resources are only 1.8 million tons, then the existing LMFBR program is needed to sustain the fission option; or
- if uranium resources are 3.7 million tons, and if electricity demand grows at 3.3 percent after 2000, breeder commercialization will occur shortly after the turn of the century; or
- if uranium resources are 3.7 million tons, and if electricity demand grows at 1.5 percent after 2000, there are adequate resources to delay breeder introduction until about 2010.

Consistent with our nonproliferation objectives, we should actively pursue research and development on advanced reactor concepts, fuels and systems, and to the extent possible, with other nations. The potential benefits could lead to:

- significant reduction in inventories of plutonium;
- extension of the uranium resource base (as shown in the attachment);<sup>4</sup>
- limiting the accessibility of weapons materials through the use of denatured fuel cycles (which require isotopic separation of the material rather than the easier chemical separation).

During the next 1–2 years while these R&D programs are underway, the construction of the CRBR should be deferred but the design and licensing processes should continue. This approach:

- is consistent with our new nonproliferation policies and provides a responsible and balanced signal to other nations;
- is consistent with the acceptable minimum delay in breeder introduction (LMFBR or alternative) of 5–10 years beyond the current date of 1993;
- mitigates dissolution of the Government/Industrial infrastructure somewhat;
- extracts the benefit (a complete design) in which most of the CRBR program costs have been invested to date.

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<sup>4</sup> Attached but not printed.

Based upon my consideration of the conclusions reached by ERDA and the Steering Committee, I recommend an advanced nuclear technology policy that reflects the following elements:

—The LMFBR base program to be held at somewhat less than its current level, and directed toward evaluation of alternate breeders, fuels, and advanced converter reactors with emphases on nonproliferation and safety concerns.

—Construction of the Clinch River Breeder Project indefinitely deferred but the design completed and reviewed with the licensing authorities.

—Within two years,

—One or more alternate concepts (breeder, advanced converter, and/or fuel) be selected and an aggressive R&D program be mounted to pursue the selected concepts.

—A demonstration plant for the alternate concept be part of the R&D program.

—A final decision be made to abandon CRBR construction entirely, or to reorient it to the new concept.

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**338. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, April 15, 1977

SUBJECT

U.S. Attitude Toward Reprocessing Abroad

From the very beginning of the PRM deliberations, the key central decision on which views have continued to differ is the question of how the United States should relate to the reality of existing reprocessing abroad. The first section of the attached minutes of the PRC meeting summarizes the arguments that were made on this subject at that time (Tab A).<sup>2</sup>

*The State Department feels very strongly that we have to be able to give a specific answer to the question: "Will the international fuel cycle evaluation program include reprocessing?"*

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 60, PRC 007, 3/16/77, Nuclear Proliferation. Secret. Sent for action. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> See Document 328.

After your announcement,<sup>3</sup> Joe Nye and Nelson Sievering (of ERDA) held a consultation in Paris.<sup>4</sup> The French took a very tough line, stating that they would not participate in the international evaluation program if reprocessing were not included in it. The State Department interprets this as a flat final position on the part of the French. I have no way of knowing whether that is the case or whether their position was dictated by negotiating tactics. However, as you know, it cannot be doubted that there is substantial international resistance to our proliferation proposals, particularly from the French.

The international evaluation program has been conceived as including major physical demonstrations and actual operating plants on the various new technologies. No one doubts that the United States will be providing the bulk of the financial support for these operations. There is therefore a real likelihood that *if* reprocessing is included in the program, we would be supporting it abroad while banning it here (which may mean a \$250 million loss to the Barnwell consortium).

This decision is a tough, close, political call. To rule out reprocessing might fatally jeopardize the program, while to include it might merely result in marginally improving the safety and safeguardability of reprocessing plants, or even "proving" (perhaps by being outvoted in some program forum) that reprocessing is acceptable—exactly the opposite of what we set out to do.

A possible middle position might be to offer to do paper studies on reprocessing within the context of the evaluation program and to leave Windscale and LaHague (the British and French reprocessing plants) operating outside the program. I do not believe that there is any *a priori* reason that every nuclear facility in the participating countries has to be a part of this program. Further, there are a great many issues—in fact the key issues—which can be debated and decided on paper. These include economic questions as to the value of reprocessing in a non-

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<sup>3</sup> On April 7, Carter stated that despite his belief that the "benefits of nuclear power" were "very real and practical," he worried that "components of the nuclear power process will be turned to providing nuclear weapons." Therefore, he announced that the U.S. would "defer indefinitely the commercial reprocessing and recycling of plutonium produced in the U.S. nuclear power programs" and called for the "establishment of an international fuel cycle evaluation program aimed at developing alternative fuel cycles and a variety of international and U.S. measures to assure access to nuclear fuel supplies and spent fuel storage for nations sharing common non-proliferation objectives." His administration would also begin to "redirect funding of U.S. nuclear research and development programs to accelerate our research into alternative nuclear fuel cycles which do not involve direct access to materials usable in nuclear weapons." He closed by promising that the U.S. would "develop wider international cooperation in regard to this vital issue through systematic and thorough international consultations." (*Public Papers: Carter, 1977*, pp. 587–588)

<sup>4</sup> The Nye/Sievering consultations with the French are reported in telegram 9761 from Paris, April 4; National Archives, RG 59, Central Foreign Policy File, D770116–0483.

breeder fuel cycle, the availability of uranium resources, future nuclear energy demand, etc. Other key issues that determine the value of reprocessing will be directly addressed in the operational sense, including accelerated R&D and development of spent fuel storage technologies. I do not know whether this position would be acceptable to others but it may be worth exploring.

*Issue:*

—A tough U.S. stance against reprocessing everywhere where we can influence it. \_\_\_\_\_

*or*

—Including reprocessing in the international fuel cycle evaluation program. \_\_\_\_\_

*or*

—A compromise position including paper studies, but not operational demonstration. \_\_\_\_\_<sup>5</sup>

*Requests for approval for retransfer for reprocessing.*

The United States now has the right to approve or veto any retransfer of U.S.-supplied fuel to another country (now the UK or France) for reprocessing. U.S. policies on approving such requests is intimately related to our overall policy toward reprocessing, since we can in effect, halt or very substantially slow British and French reprocessing by preventing their clients from coming to them.

The interagency group recommends that approvals be granted only when:

—Both the fuel owner and reprocessor are generally cooperative in non-proliferation and evaluation efforts;

—The U.S. is provided a veto on retransfer of the produced plutonium;

—A need exists, for example in terms of requirement for fuel movement due to fuel storage capacity limitations; and

—No commitment is implied for long term continuation of approvals.

The Nuclear Regulatory Commission which has the responsibility for implementing these decisions, points out in its formal agency comments<sup>6</sup> that: "The paper could usefully include as an option a tougher stance on requests for approval for retransfer of reprocessing. Under

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<sup>5</sup> Carter checked this option and wrote "We won't pay reprocessing costs for others."

<sup>6</sup> Not found.

this option, *reprocessing in the UK and France would be viewed only as a last resort, to be avoided if at all possible*. A clear showing of need would be a strict prerequisite to granting of approvals.”

Issue:

Interagency recommendation \_\_\_\_\_

or

Tougher stance (which still allows flexibility) \_\_\_\_\_<sup>7</sup>

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<sup>7</sup> Carter checked this option and underlined the phrase “still allows flexibility.”

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### 339. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, April 15, 1977

#### SUBJECT

Proliferation Issues

There are two major issues on which there is interagency disagreement whose resolution is required before the Administration legislation package can be completed this weekend.

#### I. *Additional Conditions to be Required in New Agreements for Nuclear Cooperation.*

The following are proposed to supplement existing requirements in the negotiation of new agreements. We would also seek to incorporate these conditions in existing agreements, through renegotiation and the use of incentives.

A) *Reprocessing*:<sup>2</sup> U.S. consent required for reprocessing and further disposition of *foreign* fuel irradiated in *all* U.S.-supplied (including previously supplied) reactors.

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 60, PRC 007, 3/16/77, Nuclear Proliferation. Confidential. Sent for action.

<sup>2</sup> Consent for US-supplied fuel is already required. [Footnote is in the original.]



B) *Retransfer*:<sup>3</sup> U.S. consent required for retransfer of *foreign* fuel irradiated in *all* U.S.-supplied (including previously supplied) reactors.

C) *Full-Scope Safeguards*: That the recipient be required to place *all* its nuclear facilities and materials under IAEA safeguards.

We can anticipate significant difficulty in negotiating U.S. rights of approval over reprocessing and disposition of U.S.-supplied nuclear fuel or foreign fuel irradiated in U.S. reactors. Many countries view U.S. control of their fuel as infringement on their sovereignty and their rights to recover the residual fuel value in the spent fuel. In addition, with countries not party to the NPT, our greatest difficulty will be in attempting to negotiate a full-scope safeguards provision requiring that such recipients place *all* their nuclear facilities and materials under safeguards of the International Atomic Energy. This includes such countries as Spain, Brazil, Egypt, Israel, Turkey, South Africa, India and a number of Arab countries.

*Issue C: Full-Scope Safeguards*

Traditionally, safeguards have been required by a supplier only on nuclear material and equipment it supplies, although the 99 non-nuclear weapon states party to the NPT have agreed to accept safeguards on *all* their peaceful nuclear activities. Only Canada and Sweden have gone beyond this in adopting the policy of insisting on full-scope safeguards in new nuclear agreements. While the UK, USSR, and others urge this as a common supplier policy, they have heretofore been unwilling to adopt it unless all suppliers agree. In the past, the French have specifically resisted agreeing to such a safeguards requirement, arguing that it would put them in the position of requiring of non-nuclear weapon states defacto NPT adherence, a position they continue to reject as a matter of principle.

*All Agencies agree that we should favor a "full-scope safeguards" policy. Agencies differ, on both the form of the full-scope safeguard commitment that should be required and whether deviations should be tolerated in exceptional circumstances.*

In your San Diego speech of September 25,<sup>4</sup> you said that the U.S. should make no new commitments for the sale of nuclear technology or fuel to countries which refuse to forego nuclear explosives and to place their nuclear facilities under IAEA safeguards. There is a range of formulations consistent with your San Diego statement. For example, at British initiative, and with non-NPT parties in mind, the IAEA has drafted a model NPT-type agreement under which a recipient would undertake, for a period of 25 years, to place all nuclear facilities and

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<sup>3</sup> Consent for US-supplied fuel is already required. [Footnote is in the original.]

<sup>4</sup> See footnote 6, Document 325.

materials that it might acquire under IAEA safeguards which would survive any termination of the agreement.

Some favor this formulation as a fallback to our obvious first preference for NPT adherence. They believe that the NPT-type international commitment covering existing and future facilities inherent in the British formula *is necessary to preclude the possibility that a country would use outside assistance while developing indigenous capabilities with intent to forego safeguards once they achieve independence*. Those who support this formulation also believe that U.S. adoption of such a policy would significantly improve chances of supplier agreement at the April meeting of supplier countries to require full-scope safeguards as a condition of new supply commitments, or, failing that, of getting the French and Germans to agree not to undercut the application of such a policy by other suppliers.

Others favor (again as a fallback to our first preference for NPT adherence) a *bilateral formulation*. Under this formulation, the U.S. would simply require as a provision in new bilateral agreements for cooperation that the recipient have all its facilities and materials *under safeguards as a continuing condition* of U.S. nuclear supply. As an example, Brazil, because it presently has all its nuclear facilities and materials under safeguards, would qualify for U.S. supply under this formula. However Brazil or any other nation *would not be required to make an international commitment to full-scope safeguards* but would understand that U.S. nuclear supply would be terminated if it acquired any unsafe-guarded nuclear facilities or materials.

Those who favor this formulation believe it achieves full-scope safeguards but avoids forcing key recipients of concern, such as Brazil and Spain, to make a highly-visible and long-term NPT type commitment which they have publicly rejected in the past. They believe that while its negotiability is uncertain, it may be more acceptable to certain countries of concern. They also believe that this approach may prove more acceptable to the French and therefore a greater chance of full supplier agreement.

*Issue:*

That you authorize the U.S. to require in new agreements for nuclear cooperation the proposed controls A) and B) over foreign fuel irradiated in U.S.-supplied reactors and:

i) Either NPT adherence or, failing this, a full-scope safeguards formulation along the lines of the *British formula* involving an international commitment to full-scope safeguards.

APPROVE \_\_\_\_\_ (ACDA)

OR

ii) Either NPT adherence or, failing that, a full-scope safeguards formulation involving a *bilateral formulation* between supplier and recipient.

APPROVE \_\_\_\_\_ (State and Defense)<sup>5</sup>  
(ERDA favors neither)

II. *Presidential Flexibility.*

Another issue concerns the degree of flexibility we will permit in approving or disapproving new agreements, or in renegotiating existing agreements, if we fail to obtain recipient acceptance of one or more of required new conditions. Congress has taken a strong position that all nuclear cooperation should be cut off if a particular agreement does meet every single required condition. On the other hand, Executive branch agencies believe that flexibility is essential in seeking to renegotiate existing agreements where U.S. termination of supply on the grounds that *new* conditions are not met, could be legal grounds for a recipient to contend that in return it can legally view its safeguards commitments as lapsed.

Agencies differ on the issue of whether flexibility—in the form of exceptions to be determined by the President when he believes it would serve the national interest—should be allowed just for existing agreements or for new agreements as well.

*Issue:*

That you authorize us to seek in any proposed legislation of export criteria, provision for exception by Presidential determination or equivalent flexibility:

for existing as well as new agreements \_\_\_\_\_ (State, Defense)<sup>6</sup>

OR

for existing agreements only \_\_\_\_\_ (ACDA)

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<sup>5</sup> Carter did not check either option.

<sup>6</sup> Carter checked this option and underneath wrote "JC."

**340. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to the Deputy Secretary of State (Christopher)<sup>1</sup>**

Washington, April 22, 1977

SUBJECT

Presidential Decision on Proliferation

The President has decided that the international fuel cycle evaluation program should include paper studies but not operational demonstrations of reprocessing. He feels that there is no reason why every nuclear facility in a participating country must be a part of the program. He does not want any American funding—direct or indirect—of reprocessing activities, other than paper studies. He believes that many of the key questions concerning reprocessing—the economic value of reprocessing in a non-breeder fuel cycle, the availability of uranium resources, future nuclear energy demand, etc.—can be debated and decided on paper. Other key concerns, particularly the development of spent fuel storage capabilities, will be operationally studied. He views this option as a compromise position between a rigid American posture against reprocessing on the one hand, and encouraging the further development of reprocessing by including it in the evaluation program, on the other.

He has further decided that a clear showing of need should be a strict prerequisite to granting of U.S. approvals of requests to retransfer for reprocessing. This is basically the interagency recommendation—retaining flexibility—but with a stronger presumption against approval of these requests. Under this option, reprocessing in the UK and France would be viewed as a last resort, to be avoided if at all possible.

He has approved the bilateral formulation favored by State and Defense for full scope safeguards, with the explicit provision that this be regarded as an interim measure, and the understanding that we will continue to press for supplier acceptance of a requirement for formal recipient commitment to full scope safeguards, preferably through adherence to the Non-Proliferation Treaty.

On the question of Presidential flexibility, he has approved the option which provides for exception by Presidential determination for both new and existing agreements.

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 52, Proliferation: Reprocessing, 4/77–8/80. Secret.

**341. Telegram From the Department of State to the Mission to the International Atomic Energy Agency<sup>1</sup>**

Washington, May 5, 1977, 0321Z

102157. Following repeat London 7093 Action SecState Info London Apr 30.

Quote. Subject: Bilateral Nuclear Suppliers Consultations With Japan, April 27, 1977.

1. Japanese Del headed by Kobayashi opened meeting with statement he was instructed to make emphasizing necessity for Japan to develop nuclear power for peaceful purposes to sustain economic growth. He indicated this necessity will be raised in bilaterals at the economic summit, pointing out that a Japanese full fuel cycle is an indispensable part of their nuclear program for peaceful purposes which in turn is essential to their being able to play expected role in world economic order. Kobayashi indicated they were encouraged by presidential statement at April 7 press conference<sup>2</sup> which recognized necessity for certain countries to reprocess. But he expressed deep disappointment over subsequent explanation that this did not mean that U.S. would consent to reprocessing of U.S.-supplied fuel in Japan.

2. Japanese Del asked whether U.S. would treat Japan as a major ally and partner in global economic and political affairs, or like Pakistan, Brazil, Argentina, Kenya and even Uganda? He implored us to be consistent. If Japan were not allowed to proceed with reprocessing he said there would be bitter resentment among Japanese people, grave difficulties in Diet efforts to get IAEA safeguards agreement approved, questions regarding value of NPT adherence and continuing credibility of NPT, and a serious problem of de facto discrimination against Japan in favor of European countries, which could do harm to our traditionally cooperative relationship and to far east stability.

3. Nye replied that he would report GOJ views faithfully and elaborated on the April 7 presidential statement. He repeated U.S. position supporting current generation nuclear reactors, but stressing importance of examining alternative technologies before proceeding with plutonium economy.

4. Japanese Del was informed current bilateral difficulties regarding Tokai were occasioned by Article 8(c) of agreement of coopera-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770157–0816. Secret; Exdis; Priority. Drafted by Jane Coon (OES/NET/RD); cleared by Arthur Shankle (S/S); and approved by Louis Nosenzo (OES/NET).

<sup>2</sup> See footnote 3, Document 338.

tion,<sup>3</sup> which required us either to give or refuse consent to an activity that we were not permitting in the U.S. In spite of this provision, presidential statement showed U.S. cognizance of Japanese energy needs. The small quantities of uranium recycled through Tokai would be insignificant relative to total Japanese energy requirements.

5. Nye reassured Japanese Del that U.S. viewed Japan as a major economic power and had no desire to restrict their energy needs. He explained Japanese role in INFCEP would be without prejudice to solution on Tokai issue.

6. Thorne (ERDA) explained budget steps being taken to implement U.S. non-proliferation objectives. A comprehensive program involving 750 million dollars with Fall 1978 target date identifies nuclear power options and alternatives with lower proliferation risks. Studies would include assessment of uranium and thorium reserves availability.

7. Japanese showed concern that INFCEP would a priori exclude reprocessing and prejudice conclusion of studies. A study over 3 or 4 years that did not produce an acceptable solution would place Japan in a difficult position. Nye acknowledged U.S. intent to include evaluation of reprocessing and that U.S. does not prejudice study outcomes. Japanese replied that economic and environmental aspects of reprocessing were domestic problems and that they were fairly certain that reprocessing could be safeguarded.

8. When asked, Kobayashi replied that Japan could go along with U.S. on Article 14 (sanctions). They were reluctant to make Article 9 (re consent to reprocessing) mandatory but would not block consensus on this. On Article 4 (full scope safeguards), they stated that requirement to meet safeguards duration requirements of GOV 1621<sup>4</sup> caused some problems when exporting small parts for countries already possessing reactors.

9. Nye provided explanation of presidential decision to issue MB-10s<sup>5</sup> on a case-by-case basis based on demonstrated need, for example congested storage at reactor sites. Yamamoto subsequently called U.S. Del's attention to the requirement for Japanese utilities to make a five percent deposit by the end of August in order to confirm contract to be negotiated by end of May for reprocessing in UK and

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<sup>3</sup> Reference is to the 1968 Japan-U.S. Nuclear Cooperation Agreement which required Japan to obtain advance approval from the U.S. Government for any international transfer of nuclear material of U.S. origin.

<sup>4</sup> Reference is to IAEA document GOV/1621.

<sup>5</sup> The Presidential Decision was not found. MB-10 refers to applications that nations must submit in order to obtain shipment-by-shipment approvals from the U.S. Government prior to transporting spent nuclear fuel to overseas reprocessors.

French facilities beginning in 1982/3. He suggested that we agree to discuss the extent of need for MB-10 covering fuel envisioned under contract well before mid-August deadline for GOJ decision on commercial reprocessing contract, preferably in the course of follow-on Tokai consultations beginning in May.

Spiers.

Unquote.

Vance

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### 342. Memorandum of Conversation<sup>1</sup>

London, May 7, 1977

SUMMIT—May 7, Afternoon Session

#### NON-PROLIFERATION

*Callaghan:* We have agreed to begin this afternoon with a discussion of nuclear energy and I would like President Carter to open up on this issue.

*President Carter:* I think we are all aware of the public displeasure at the rapid turn to nuclear power. In the United States, 22 states had referenda to prohibit the construction of nuclear power plants. I feel that governments should depend more on nuclear power in the future for electricity. We have a major industry in the mining and enrichment of uranium. We export enriched uranium at no profit, and sometimes at great headache. But it is hard to convince the opposition to our exports that we should maintain an export policy when they think this is going to be used for explosives.

The question is how do you maintain nuclear production in the US, and supply others, without the fear that we will enhance the capacity of other countries to produce explosives?

This must be addressed on an international basis. We endanger relations with consumer countries if we act unilaterally. When I became

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<sup>1</sup> Carter Library, National Security Affairs, Staff Material, Trip File, Box 3, President, Europe, 5/5–10/77: [Memcons]. Secret. According to the President's Daily Diary, the meeting lasted from 3:30 to 6:16 p.m. and took place at 10 Downing Street. No list of participants for this meeting has been found. Carter visited London May 7–11 for the G–7 and NATO Summits. (Carter Library, Presidential Materials)

President I inherited a moratorium on the export of nuclear fuel which was imposed by my predecessor.<sup>2</sup> I know this concerned all of you.

I want to work with you to find ways of stopping proliferation and the possible use of nuclear fuel for explosives in order to export fuels which will be used for nuclear power. There are a number of different degrees of status among nations on this issue. Some NPT signatories produce weapons, other do not. Other have vowed never to produce weapons. We must cooperatively address this question. I know of the national sensitivities which are involved. I want you to know that I plan to expand US enrichment production capabilities. I want to insure that if we can find means of improving accountability, treatment of waste products and proper safe guards we will insure fuels for nations who want to produce electricity and are willing to comply with these safeguards. We believe it is necessary to assess the future of the plutonium economy and especially the fast breeder reactor, although we believe this technology won't be needed for 20–25 years.

We built two reprocessing plants in the US before I became President. They have been shut down because they did not work. They did not help on waste disposal, but instead generated by-products. We have also decided to cancel construction of our next reprocessing plant and we won't build the breeder, although we will not prevent others from building it if they wish. As I said, we don't think a breeder will be needed for 25 years. Some of you have different opinions. And I can understand your reluctance to rely totally on us for uranium.

But it is difficult for me to get our people to support shipments of uranium supplies unless there is some assurance that the uranium will not be used for weapons. I suggest therefore that we set up a group of technicians to examine this issue and report back to us. This can provide an analysis of the problem so that we can understand what the needs are. I cannot control people's views on the export of raw materials unless I can give them answers on the issue of explosives. I would rather take action along with you than action which might be ill advised. We should be concerned with the complete fuel cycle including the availability of uranium reserves around the world and the intentions of suppliers to increase enrichment facilities. We should define the possible constraints to be placed on consumers before they receive supplies. This should be done on a multilateral basis. We should also look at the breeder from a common vantage point and look at how to resolve the issue of nuclear waste disposal. I know that I have already aggravated leaders here because of my hesitation to change my predecessor's decisions on fuel exports.

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<sup>2</sup> See footnote 2, Document 317.



*Callaghan:* Is your proposal for a preliminary study different from your proposal for an international nuclear fuel cycle evaluation program? If the final preliminary study is completed in two months, it could in other words decide on how to establish an international fuel cycle evaluation.

*President Carter:* Yes, it would be preliminary to the longer study.

*Trudeau:* President Carter's case is based on the unstated major premise that there is a danger of proliferation which we can and should do something about. I am not convinced that all here share that premise. All agree the danger exists, but some may not think we can do anything about it.

*President Carter:* The CIA has done a sobering study on the prospects of the technology capabilities of nations who might want to build nuclear devices.<sup>3</sup> Twelve to fifteen countries are capable of building nuclear devices. One premise at the end of the study might be that any country in the future which explodes a device gets no more fuel. Such countries include Brazil and South Korea. They see nuclear power as a status symbol. Perhaps we did not deplore the Indian explosion enough. If it were pre-ordained that if a country exploded a nuclear device they would get no more fuel maybe they would not try it.

*Schmidt:* I, as a person and as Head of Government, agree that there is a danger which you, Prime Minister Trudeau, describe, and that we should do something about it.

But what are the consequences of this? The effort does not embrace the number of states and the categories of states which must be brought in. There are four categories of states: NPT members who are nuclear, NPT non-members who are non-nuclear; non-NPT members who are nuclear; and non-NPT members who are non-nuclear. If arrangements additional to the NPT are agreed upon and do not include these different groups of states with different interests there could be difficulties.

If there were an additional arrangement, plus the NPT, it might not include all the important groups. These countries not invited would need careful watching.

After Germany came into being in October 1954 we signed the Brussels Treaty which renounced nuclear, biological and chemical weapons. We also signed the NPT. It was not easy to ratify in Parliament. I pushed ratification hard but we had to change governments in order to do it.

There is no doubt that the peaceful use of nuclear energy by my country is a vital means of safeguarding our energy supplies as well as

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<sup>3</sup> Not found.

our social, economic and technological progress. Not all present at this Conference have signed the NPT. The NPT should run parallel with any new arrangement on safeguards involving the provision of nuclear supplies. We should have no discrimination against non-weapon states. The NPT is the legal basis for non-proliferation. Our efforts must run parallel to efforts to develop the peaceful use of nuclear energy and safeguard world energy supplies. We will support and participate in the energy consultations sketched out by President Carter. But we should include countries who by 1985 or 1990, if left out, will use plutonium and uranium to produce nuclear weapons. We must also recognize that the stronger our supplier rules are the more the incentive for countries to develop their own uranium. Such countries should be included in this group.

*Trudeau:* I agree. It is better to have the other countries agree than to disagree. But how would they get the uranium?

*Schmidt:* All countries can get uranium. You can make an A-bomb in your back yard. Other technology will spread. I see them spreading already.

*Trudeau:* Isn't that like saying there is nothing we can do?

*Schmidt:* No, no, no. That is not what I meant. If you exclude them they will from the beginning be of no help. They will be difficult.

I will be willing to participate in this study but it should not prejudice existing relations among countries, no more moratorium and no constraint on existing bilateral or third country arrangements. It should not prejudice the work of the Nuclear Supplier Club. And we must give the "have nots" and the "must nots" the feeling that we are not discriminating against them. That would decrease chances for successful cooperation.

*Jamieson:* If we say we want to help you develop peaceful technology do we also say we do not want you to use it for an explosive device? What does the distinction mean?

*Schmidt:* Yugoslavia rather than Brazil, is a good example. If we do not take their interests into account it could produce an attitude you cannot control.

*Jamieson:* It is a question of national pride with Yugoslavia.

*Trudeau:* It is not a matter of pride that countries should have biological weapons. It should not be a matter of pride but Yugoslavia and India develop nuclear weapons.

*Schmidt:* National pride is an important factor of life. If you want to get countries cooperation you cannot tell them what you know is in their best interest. There will be additional uranium found in the years ahead just like oil in the North Sea and Alaska.

*Vance:* Would you include just the threshold countries or just those with reactors?

*Andreotti:* Two comments. First, I am convinced of the need for non-proliferation. I saw this as urgent when we signed the NPT. We signed it with conviction. Article IV of the NPT gives the assurance that we will use nuclear technology for peaceful purposes.<sup>4</sup> I agree that we should have two months to consider the issue. But what is in Article IV should remain valid in its entirety. The Conference should restate the importance of Article IV. It should restate that enriched uranium should be used for reactors and for industrial development and scientific research. Second, in the last few days we have read that French scientists have developed a process without the risks of use of uranium for military purposes. I would like President Giscard to comment.

*Giscard:* For my part France is aware of the dangers of nuclear proliferation. We believe in the need to share responsibility and address this problem. I agree with President Carter and Prime Minister Trudeau on this. We have not signed the NPT for a variety of reasons.

Where we depart from the US is that we consider nuclear energy unavoidable. There will be reduced energy causing slower industrialization unless we have nuclear sources, particularly in view of the coming oil shortage. It is a valid source of energy for countries without military technology. We were entitled to provide ourselves with nuclear energy.

Certain factors are essential in operating plants. Enrichment is now done primarily by the US and 20% by Britain, Germany, France and Italy. At present, enrichment is a probable factor in proliferation. But the construction of international plants is difficult and expensive and small countries cannot do it. Reprocessing involves creation of plutonium from nuclear fuel elements after their use. We feel that it is not realistic to think of medium-size countries storing non-processed nuclear waste. Therefore, the waste should be destroyed. But this is difficult in that plutonium is a byproduct of reprocessing. It is impossible for medium-size countries to have nuclear industry without reprocessing.

With respect to the breeder, it is possible that between 1985 and 1990 there will be a shortage of natural uranium. The producers will be the US, Canada, Australia and France. France will be knocking on the door of the uranium producers monopoly. But we will have to ensure that maximum benefits are derived from uranium. The breeder gives you 50 times more electricity from the same amount of uranium. It is

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<sup>4</sup> Article IV of the Non-Proliferation Treaty stipulates that "Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties of the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination." (*Documents on Disarmament, 1968*, pp. 461–465)

like a multiplication of the amount of oil we have by 50. We cannot rule out the breeder without an analysis of the large number of issues involved. We and the Germans have launched an experimental effort on the environmental and safety issues involved. A breeder does not appear more dangerous than other reactors. It is as dangerous as a light-water plant. The danger is the amount of plutonium which comes out of the process. It can be subverted to military use. But to manufacture the bomb from stolen plutonium, you would need 2000 people working 18 months. This would be difficult to hide. All countries need to recognize the risks of the danger of proliferation by terrorists. But the breeder is indispensable if we are to make the best out of our uranium.

I am not sure we should accept Helmut's view that each country should do what it wants, that is make its own decisions about when to provide nuclear technology to other countries. Why did we suspend the sale of nuclear technology to South Korea? This was not because of US pressure. It was because information we received was that despite public statements they were going to manufacture a nuclear bomb.

Let me then spell out our thinking on this. First, very few countries will require reprocessing—Germany, Japan and EURODIF countries. They will need a large program to deal with their nuclear waste. Others will not need a reprocessing facility. Second, only those producers who are embarking on a breeder—France, Germany and the USSR, as well as the UK, need plutonium. We are, therefore, justified in finding measures to meet our needs while not transferring technology to countries which do not need it. Third, on enrichment, there are a number of non-proliferation technologies. French scientists are developing a new technique to enrich fuel to a level insufficient for military purposes. If countries attempt to take it further, to too high a level of enrichment, the process would break down. If a critical level were reached, a chemical process would take over like a sort of slow explosion which would take a long time.

Fourth, on reprocessing, we can imagine a formula to reduce the military risks. We can imagine a form of service contract where reprocessing countries reprocess the waste of others and retain the plutonium under some international agreement whereby an international organization would supervise it. The rest of the reprocessed fuel could then be sent back to the consumer. The technique needs further investigation as does the form of contract which might be used. This would be a way to reduce the military risks, and I believe it is achievable.

We can subscribe to the view of the US and can provide technology for the peaceful use of energy and see that it remains peaceful.

*Schmidt:* I believe President Giscard misunderstood me. I do not feel that a country should be left to do what it wants to do about sales.

But we should not discriminate against countries on the peaceful uses of energy.

*Fukuda:* I appreciate and agree with the importance of President Carter's comments. Japan was the first nation baptized by nuclear holocaust. We had agreed not to manufacture, not to allow in, and not to own nuclear weapons. President Carter is concerned about the issue of nuclear energy because of the danger of weapons. We cannot and will not do this.

In the morning we discussed the economic recession and its structural causes. One factor of this depression is tighter energy supplies. The US CIA study indicated that in 10 years energy, particularly, oil, would be in short supply. In the 21st century, there will be fusion. In the meantime, we must ride out the gap. We must ask how we bridge the gap and give people confidence in the future. This is our perception. This is why we in the last few years, with American advice, have spent roughly \$1 billion on a reprocessing plant. Our experimental reprocessing plant will be open by autumn.

Japan is in a unique position. For us, Article IV of the NPT is an important issue which we cannot ignore. People have confidence in the sanctity of this Article. It has an impact on the minds of people everywhere. With respect to the new study, it is hard to expect that all of the countries now producing explosives could be included. We cannot predict the attitude in China, India and the USSR. It is difficult to expect most poorer countries in the world to agree with President Carter's plan. Nations' rights must be safeguarded. Why not have professional experts undertake global surveillance in a central mechanism of those countries concerned? We can get countries together to study the means of surveillance. Reprocessing is needed to give economies strength and to give energy to our economies.

Some countries may wish to get out of the NPT if we do not act wisely.

*President Carter:* President Giscard misunderstood me on the importance of nuclear energy. I think nuclear energy for electricity is a crucial part of the use of energy for the future. I believe in the increased use of nuclear power in the civilized world. This is demonstrated by our willingness to export nuclear fuel, a decision I recently made. This is not profitable for us. We use one-third of the enriched uranium we produce; we export one-third; and we store one-third for future domestic use and exports. The action we have taken in initiating this discussion is a crucial prerequisite for the unrestrained export of nuclear fuel. Unless there is international surveillance of the use of nuclear fuel, it will be difficult for us to manufacture and ship it. The sale of reprocessing plants to NPT countries is most worrying.

Reprocessing is no panacea for waste-product storage. I cannot agree with President Giscard that there is a lack of space available to store waste. It does not take a large country to store nuclear fuel. One square mile is adequate. It is no easier to store fuel in the US than it is in Japan or other countries. Reprocessing is no answer to disposal. In all countries people fear the proximity of nuclear fuel. The size of the nation is a minor fact.

We are eager to find a solution. We want to provide fuel to others. If there is international supervision over how to control nuclear facilities, then we can export.

I also do not agree with President Giscard's view that uranium will run out soon. I think we have 25–30 years of uranium available. By that time there will perhaps be production of the breeder. In September, we will go critical on our new thorium reactor.

We will be cooperative in trying to remove restrictions on the export and use of nuclear fuel. But unless we take action to ensure the facilities, and think they are safe, we cannot export. We must find assurances to satisfy the people of my country. Hundreds of demonstrators have just been arrested in New Hampshire protesting against a light-water reactor.<sup>5</sup> The example I have suggested can improve our understanding.

*Trudeau:* I believe that President Carter and President Giscard are both reaching the same conclusion. President Giscard is saying, I believe, that there should be safeguards for the full fuel cycle and the plutonium should be brought back to the suppliers. Did I understand you right, President Giscard, that you want full fuel cycle safeguards when you suggested that plutonium be recycled?

*Giscard:* We think reprocessing is a technical necessity. Work must be carried forward for technical reasons and to encourage the breeder because European uranium supplies will be less guaranteed than the supplies of oil. From 1980 onward, we will import all of our natural uranium. The uncertainty of supply compels Europe to derive maximum benefits from minimum amounts of uranium. We can be self-sufficient with the breeder. If not, we will have to be 50 times more dependent on Canada, the US, and Niger. Thus, reprocessing is necessary from a technical point of view.

On technology transfer and safeguards, we must seek all possible legal and fiscal guarantees on safeguards beyond the NPT. There should be no technology transfer without sound economic arrangements.

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<sup>5</sup> On May 1, hundreds of demonstrators opposed to the construction of a nuclear power plant in Seabrook, NH were arrested. (John Kifner, "Hundreds Arrested in New Hampshire Atom Protest," *New York Times*, May 2, 1977, p. 69)

*Trudeau:* On the fuel cycle, as far as the ultimate idea is concerned, we need to define a safeguard system to ensure that production does not lead to explosive devices. I feel the question of reprocessing is secondary to that.

*Giscard:* The US at one time stopped the export of uranium on the grounds that there would be reprocessing and because of the fear of explosives. We will study, as suggested, aspects of non-proliferation. But we cannot subscribe to the dictum that there should be no reprocessing of uranium.

*Trudeau:* Are you saying in your plan that there should be no reprocessing elsewhere?

*Giscard:* No. They send back the waste. Then we keep the plutonium which comes out of the reprocessing. I am not saying that Japan and Germany could reprocess without safeguards. I would want to insist that the plutonium be returned.

*Schmidt:* President Carter, you say that it is difficult to get the consent of the people in the area for even one square mile of storage of nuclear waste. Are you saying that you will not store other nations' waste?

*President Carter:* It is almost impossible to get people to agree to store the waste from a foreign country. We are faced with states saying they will allow no power plants in their borders; and they object to the transfer of nuclear waste across the borders. Vermont allows no power plants. People will not accept the waste of others.

*Schmidt:* Some people in Germany say that we will let you build a power plant if the US will take the waste. Now it is clear that you won't?

*President Carter:* This is not an unfriendly statement, but it is an accurate statement.

*Schmidt:* No, no; I understand. It is a necessary clarification and a reflection of the interest of the US.

I agree with Valery on the need for safeguards.

No one has mentioned Brazil so far. But we are under criticism for our bilateral, or trilateral, deal on Brazil. The Vienna agency is the third party. When we signed this deal, we not only followed the NPT, we went beyond it. In the meantime, there were new views, and new dangers were seen. But at that time we went far beyond the existing legal obligations and in fact added international controls beyond what we were legally bound to do, or to ask of the Brazilians. We have lived up to our obligations. But we do not want to take additional obligations if others don't.

*Jamieson:* We have said publicly that your agreement with Brazil involves obligations above the legal maximum.

*Owen:* All of us will have to tighten up on safeguards. There is a need for a wider group. Some countries want nuclear energy. The danger is in delay. We support the fuel cycle evaluation program and also agree on the preliminary study. But this could take a year. We should make progress in the London Suppliers Group and perhaps widen the membership. We who are deeply involved should lead the way. If we did nothing in the Suppliers Group, it would be dangerous.

Our scientists question whether you can store waste from such reactors very well. The UK Magnox is a case in point. There we have got to reprocess. But there is a great deal to be said about the exchange of information.

*President Carter:* The crux of the question is whether we are going to insist that reprocessing be under strict safeguards to allow countries access to fuel in a prudent and acceptable way. If the safeguards are not adequate, it will be difficult to provide nuclear fuel. This is true for Canada and Australia as well, although I cannot speak for them. I have no objections if nations wish to reprocess or have the breeder. But there is no reason for us to permit countries who are not signatories to the NPT to develop nuclear weapons capabilities. I am not trying to stop the breeder. Our reprocessing plants did not work, but I hope that you who are building a breeder will be more successful. The crux of the situation is to devise some way to develop adequate safeguards so that we can provide fuel to those who need it.

*Callaghan:* The difficulty you have is to persuade other countries that your position is based on the reality of the problem of proliferation rather than to serve your advantage as an energy rich country. You cannot give people the impression that you are trying to shut other countries out. I accept that your view is based on concerns about proliferation and the need for proper safeguards but it is important that you not give the impression of depriving countries of the benefits of nuclear fuel.

I believe President Carter's suggestions offer an opportunity of moving forward. If you in the US go forward in the absence of a study, it presents difficulties for all of us. The issue that we must study is that we have got to see that safeguards can be erected so that what you want can be achieved. What is said here has indicated that without agreement on this matter countries without coal, oil or natural gas will have problems. We need a technical study so that we can really work out the issues that can be solved in this manner.

*MacDonald:* Canada's policy is to refuse the supply of raw uranium. We will control supply in the first instance. We would have to reach an understanding on what the safeguards are going to be. The arguments in the US situation are the same as in Canada. If we were forced to take unilateral action we would be hit from both sides by not



supplying raw uranium and not providing reprocessing. Canada therefore supports the study group idea and believes that somehow there should be a linkage with the London Supplier Group.

*Vance:* There is no inconsistency; the London Supplier Group could go along without interfering in the study.

*Giscard:* Are we going beyond the NPT or was the proposal for physical guarantees governing the sale or non-sale of various plants. I believe that in President Carter's thinking one can go beyond legal guarantees and consider that certain sales would not take place in certain circumstances. I believe that restrictions over and beyond legal guarantees should be considered.

The reprocessing countries are represented here in this room. It is not a question of what conditions we impose on our own procedures. Germany and Japan have industrial potential. It is foolish to consider imposing conditions on them. What we are talking about is conditions on the sale of reprocessing facilities to others—physical conditions involved. There will be no more sales by France because of proliferation. Pilot plants present a serious danger of proliferation and these need to be considered as well as other proliferation techniques. Do we agree that there should be physical limits? And I should like to ask where and when will President Carter's study group meet and what would it discuss?

*Callaghan:* As I see it the preliminary study would be done among ourselves. I suggest that we establish a group of experts to work out the terms of reference for the evaluation program—detailed terms of references for the Carter program. I wonder, however, when we need to involve the Soviet Union. Perhaps not now, but in the second stage.

*President Carter:* Our contacts suggest that the Soviets do not want to come in at this stage but perhaps later.

*Callaghan:* As long as the Soviet Union does not feel excluded. We should ask our experts to meet quickly and report by the end of June or July. I am worried about one impact that will come out of this meeting. The experts group should be represented as part of the normal process of consultation. On location, I understand that Paris is pleasant in the spring. Our aides should agree on the terms of reference.

*President Carter:* Yes, two months is just about what is needed.

*Trudeau:* President Carter's study would focus on whether reprocessing is good or necessary. But Giscard was asking a different question. He also asks what kind of safeguards are we talking about—legal or physical (sale or non-sale) of reprocessing plants. I am also worried about President Giscard's point that safeguards should only be applied to other countries and not to the seven represented here. This is discrimination. If we go for safeguards they must apply to all of us. Also

how do you apply legal safeguards to the US and France who have the bomb and Germany and Canada who do not but might want to produce some day.

*Callaghan:* Our people have to consider whether safeguards can be contained in a legal framework. There are a lot of technical questions. We should try to get the agreed facts. The group should consider whether safeguards should be confined to existing legal frameworks, with possible physical safeguards in addition.

*President Carter:* We are willing to let Japan have nuclear fuel, but we would want to tell Congress about the safeguards if that fuel is reprocessed. There are a number of questions raised about reprocessing. I would like to tell people that if the fuel is reprocessed there will be conditions. And we will have to have inspections on ourselves. Even though this will be a difficulty for those building bombs.

*Trudeau:* Will we apply these safeguards to ourselves? Unless we answer this question we cannot expect nuclear fuel.

*Callaghan:* UK has adopted international inspection procedures.

*Trudeau:* But the UK is not building the bomb.

*Schmidt:* I would not like to see this type of discussion in the press. Someone said that there might be the possibility of others keeping their own nuclear options open. Especially, then, I would not like to see any suggestion that some countries might not keep their international nuclear commitments. This would cause an up-roar in Germany.

But what do we say to our public? I did not know that it was agreed that the Ministers would see the press, but perhaps it cannot be avoided. We must be very careful not to provoke public opinion in other countries. We should be very careful in reporting to our press. Simply say we had a very valuable, necessary, discussion that we are not as far apart as has previously appeared in the press. We should not tell things to the press about what was said.

*Schmidt:* It is possible after the discussion to describe it with three sentences which represent the highest common denominator. The first sentence should say that we have set up a task force. We should limit ourselves to another long sentence on the terms of reference on the task force. You and your people could formulate this over dessert. We should agree on the terms of references and insure that there is not a great row in the press.

On the confidence issue good words can add confidence. It is also important that we represent orally and on TV only what we want to present. We made progress in understanding each other, and the way that we present this is important.

*Giscard:* Let me raise quickly a number of points. We must clarify our differences. One key issue is our supplies to third countries such as

Iran and Brazil. One concrete problem is how we supply countries with plants without opening up charges of proliferation.

Second, if the system of safeguards applies to ourselves, we would cause difficulties as a number of agreements already exist such as among the UK, France and Germany, and France and Japan. We should not apply the same discipline to the US as to Brazil or India. With respect to the three party and two party agreement, should we cancel them? We should have mutual trust. We should not leave the impression that we are bringing our agreements among ourselves into question.

How can we meet our energy needs and achieve non-proliferation, or as little proliferation as possible? If we open up agreements among ourselves, we will not make much progress. I like the first few sentences of the US draft paper.<sup>6</sup>

*Trudeau:* President Giscard says we should discriminate in favor of ourselves. Chancellor Schmidt says we should treat everyone equal. This is a difference that is still not resolved. Although we will all be there tomorrow at the conclusion in Banquet Hall, we should have one spokesman so that our differences will not emerge. I think that it should be our Chairman.

*Callaghan:* The public point is important and cannot but have international repercussions. I agree with Helmet on the press briefing. We should keep this type of discussion out of the press. We can try a form of words.

*Trudeau:* We should not discuss the discrimination issue but simply talk about how we can meet energy requirements.

*President Carter:* Perhaps we can use the first three sentences of the US draft.

*Schmidt:* We can use those sentences and add that the group here has established a study of how this can be brought about.

*Andreotti:* I agree with that type of statement. I wish to stress that there are countries who having signed the NPT, particularly Article IV, do not wish to see this contested once again. We should say that we are not discussing Article IV, or policy which has been established.

*Callaghan:* Does anyone want to discuss Article IV?

*Schmidt:* This is not being put under question. We should say that it stands up.

*Callaghan:* Do we agree not to bring this into question?

*Trudeau:* With India, they say their energy is also for peaceful use. Should we send more nuclear material to India?

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<sup>6</sup> Not found.

*Callaghan:* I know you would like guidelines which would relieve you of certain arbitrary decisions.

*Trudeau:* My electorate will say, "Is this what they agreed in London?" It will not impress my electorate.

*Callaghan:* You are saying this will not be enough to help you restore shipments of nuclear fuel to India.

*President Carter:* We are in different positions. The study will not help to resolve some of these difficulties but the results may help.

*Trudeau:* We are now imposing unilateral safeguards on everyone. If we go no further than we have this afternoon this will continue. We have suspended sales since December.

*Callaghan:* We should not be able to say we recognize the difficulties of the situation. We can have confidence. For the time being we should get the study going. We should say that the seven recognize the need to establish a system of international assurances but meanwhile have sufficient confidence in each other to decide when new shipments should be approved. But it is not possible on the basis of a 1-½ hour discussion to refer to physical safeguards of the type mentioned by Giscard.

*Schmidt:* I want the US to develop its nuclear technology. I want them to do it. The study should move ahead. Once the 8-10 week study is concluded it will take months and years to bring it into effect. We cannot now reach a just position which alleviates the burden of decision of the US and Canada. This is why other states also wish to explore these problems. Others have stakes in this field but are not represented. We should not exclude them or we will provoke them to do what we do not want them to do. We should ultimately find some way of including the threshold countries—not South Africa or Israel. Not inviting the threshold countries will not encourage confidence abroad.

The utmost that can be achieved is the three sentences of the US paper which will give the task force terms and say how this can be brought about. Then the matter can be discussed again and decisions made on the involvement of other countries.

*Fukuda:* I agree in principle with the experts committee. But I share some of the concerns already stated. Can the Soviet Union and China be persuaded to come in? I think that will take a long time. President Carter said the study should be completed in two months, but I am not sure that is quite workable.

The committee or task force would be of such a nature as to merely represent the views of the seven. The target of the group should be the end of June or something like that. With respect to press we should say that we discussed a broad range of issues, including future energy question, including other sources, and not just say we were discussing

the reprocessing of spent fuels. We should say that we exchanged views on a broad range of issues on supply and demand for energy sources.

*Callaghan:* The US has stated the position that there should be a nuclear fuel cycle evaluation program. We are here trying to develop an understanding of the terms of references of the study and to try to meet the points the President has raised. It would work in parallel with the London Supplier Group. It would determine what is to be included and what is not to be included. The expert group would see whether terms of reference could be agreed for this program. The emphasis should be on meeting energy needs with as little proliferation as possible.

But we should recognize that this is only one aspect of energy in the communique as Prime Minister Fukuda pointed out. In addition the EC has some competence. We should come back tomorrow with some acceptable wording on this.

*Genscher:* We should make certain that the task force sees its goals as achievement of a system of safeguards against proliferation. We should say we are studying these conclusions but that before final decisions are made we will discuss them with the London Supplier Group. This will avoid any misunderstandings.

*Giscard:* The public will misunderstand if we say we are studying methods of non-proliferation. We should say that because of difficulties in the energy area we find it indispensable to develop nuclear energy. It should be on the basis of our energy requirements that we base our study.

*Callaghan:* We should try to meet our energy requirements with as little proliferation as possible. That is what I believe we agree we are trying to achieve.<sup>7</sup>

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>7</sup> At the conclusion of the G-7 Summit, the members nations issued a declaration covering a range of issues. Regarding energy and nonproliferation, the nations pledged to "further conserve energy and increase and diversify energy production, so that we reduce our dependence on oil. We agree on the need to increase nuclear energy to help meet the world's energy requirements. We commit ourselves to do this while reducing the risks of nuclear proliferation. We are launching an urgent study to determine how best to fulfill these purposes." (*Public Papers: Carter, 1977*, pp. 819–824)

### 343. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, May 12, 1977

#### SUBJECT

Storage of Foreign Spent Nuclear Fuel

While we were in London, the NSC Interagency Group on Proliferation was completing the last three major studies assigned by you in PD-8. One of these concerns spent fuel storage. The report is the result of an intensive six-week effort, and contains recommendations which are unanimously supported by State, ACDA and ERDA—an unusual situation on this issue. The conclusion is that the US will have to accept foreign spent fuel as a key incentive if other countries are to agree to forego reprocessing.

Quoting from the summary paper (Tab B):<sup>2</sup>

"Indefinite deferral of reprocessing within the US and our policy initiatives for other countries to join in this deferral will require a significant increase in spent fuel storage capacity . . .

"The overall concept we envisage is to provide short-term storage for existing reactors (i.e. for approximately ten years) through more efficient use of existing reactor basin storage and through existing or planned away-from-reactor storage facilities. Long-term storage (i.e. after about ten years of out-of-reactor storage) would be provided in regional, international storage facilities; one for the EC area, one for Japan and Pacific Basin, and one for US utilities and US foreign customers, as needed. To bring this about, the US Government will have to (1) take the lead in working with foreign customers to expand capacity of existing reactor storage basins; (2) make provisions for US and foreign near-term storage shortfalls in the US; (3) develop long-term storage facilities in the US that will handle fuel from foreign as well as US utilities; and, (4) initiate concrete steps to establish other international storage areas."

*While you may not choose to approve all of the options the Group has recommended, it does seem clear that until you have had an opportunity to study their proposals, we should not lock ourselves into a public position which would rule out any storage of foreign spent fuel in the US. Therefore, I have drafted for your approval (Tab A),<sup>3</sup> a proposed response should this*

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 4, PD-08 [1]. No classification marking. In the upper right-hand corner of the first page of the memorandum, Carter wrote "Zbig. Get me a brief memo—perhaps with photos or sketches & maps showing me what we're doing now with wastes. JC."

<sup>2</sup> Attached but not printed.

<sup>3</sup> Attached but not printed.

issue arise at your press conference today. It leaves you flexibility for whatever policy you may subsequently adopt.

One final note, concerning the political acceptability of receiving foreign spent fuel. You may be interested in the memorandum of conversation at Tab C.<sup>4</sup> It summarizes the results of a meeting between members of the Executive Branch, and environmentalist and anti-nuclear leaders. This is the group which would lead any opposition on this issue. As you can see, they generally support the idea of such a policy as a favorable tradeoff against reprocessing.

#### *RECOMMENDATION*

That you approve the formulation at Tab A for public treatment of this issue for the immediate future.

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<sup>4</sup> Not attached.

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### **344. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, May 31, 1977

#### **SUBJECT**

Japanese Nuclear Talks—Negotiating Guidance

A Japanese delegation arrives for talks on June 2, 3 on the Tokai reprocessing issue. The memorandum at Tab A—prepared by the NSC Interagency Group on Proliferation—seeks your instructions for these talks.

This meeting is being held at Japanese insistence. The U.S. tried unsuccessfully to postpone it, feeling that very little has changed since the last round.<sup>2</sup> Also, the timing of these talks is bad for us since, as you know, Vance has been discussing with Ambassador Gerard Smith the possibility of his assuming overall responsibility for proliferation negotiations. Smith's presence would provide us with the negotiating expe-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 4, PD-08 [1]. Confidential. Sent for action.

<sup>2</sup> The most recent round of discussions lasted from April 5–15.

rience that has been so noticeably lacking in previous proliferation talks.

This memorandum raises some issues not treated in the interagency paper, summarizes the views of the five lead agencies—State, Defense, ERDA, ACDA, and Schlesinger—and sets forth the options available to you.

#### OPTIONS AND ARGUMENTS

*Option 1: Permit reprocessing at Tokai on a provisional, experimental, multinational basis involving IAEA participation to test safeguards.*

As you know, Tokai cannot operate commercially without a prior finding of safeguardability by the U.S. We wish to avoid such a finding since our policy is based on the premise that reprocessing by its very nature cannot be adequately safeguarded. This option assumes that Tokai could be allowed to operate *experimentally without* the finding of safeguardability. However there is some question as to whether that could in fact be done without opening the USG to legal challenge. *State* and *ERDA* both believe that *Option 1* should be authorized as a fallback option available to the U.S. delegation should *Option 3* and *2* prove non-negotiable. *ACDA* and *Defense* disagree. *Schlesinger* believes that it could be seen as inconsistent with domestic policies.

We expect that the Japanese will table some version of this option.

*Option 2: Explore through expert consultation the feasibility of altering Tokai so that it could operate to test both reprocessing and partial coprocessing.*

As you know, partial coprocessing produces a mixed product of uranium and plutonium “spiked” with highly radioactive waste products which make the mixture dangerous and expensive to handle.

*State* believes that this should be the second allowed position. *ERDA* agrees. *ACDA* on the other hand feels that in some respects *Option 2* is the *least* preferable option, in that—unlike *Option 3*—it establishes a precedent for reprocessing. Nor does it have the advantage of *Option 1* of avoiding discrimination of treatment between the Japanese and FRG (which also has an experimental reprocessing plant).<sup>3</sup>

*Option 3: Explore the possibility of operating Tokai only with a modified process that does not produce pure separated plutonium (i.e., some form of partial coprocessing).*

All agencies agree that some version of this option is most preferable but they differ in their expectations of its acceptability to the Japanese. *Defense* and *ACDA* believe that only this option should be au-

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<sup>3</sup> With the appointment of Spurgeon Keeny, who was the director of the Ford/Mitre study, [on nuclear power and issues] ACDA now has a strong expertise on this issue. ACDA's comments, which raise several important points, are attached at Tab B for your information. [Footnote is in the original.] Tab B is not attached.



thorized for negotiations, while *State* and *ERDA* believe that fallback options will be necessary.

Also, both *Defense* and *ACDA* believe that the U.S. should *not* offer to provide plutonium for the Japanese breeder, as proposed in the interagency paper. *ACDA* has calculated that reprocessing of the British-supplied fuel from the Magnox reactor at Tokai can provide sufficient plutonium to meet Japanese needs.

*Schlesinger* supports, but did not choose between, some version of Options 2 or 3.

*Option 4: Seek Japanese agreement to defer running the Tokai plant for a fixed period of time, offering an incentives package in exchange.*

All agencies agree that this option is likely to be non-negotiable.

#### SUGGESTED U.S. STRATEGY

All agencies are agreed that we should seek agreement on Option 3. They differ over whether we should offer to provide plutonium, and as to how far we should fallback in this meeting. Our strategy clearly should be to avoid the political damage that would result if the Japanese prove adamant against Option 3 and the talks reach a deadlock. At the same time, we want to avoid damaging U.S. non-proliferation objectives through showing so much flexibility (i.e., interest in Option 1) that the Japanese return home encouraged to maintain a rigid position.

Therefore, *I recommend* that the delegation be instructed to negotiate with a view to reaching agreement on Option 3, as modified to bar an offer of U.S.-supplied plutonium. In addition, *if* no progress can be made, *and* the Japanese propose some version of Option 1, the delegation should be instructed to *respond* by drawing them out on the details of their proposal. Our delegation should make it explicit however that the Japanese should not read into our response any expectation of eventual U.S. approval of such an option.

#### YOUR DECISION

##### 1. *Our Basic Position*

Option 3 (State, ERDA) \_\_\_\_\_

OR

Option 3—no plutonium (DoD, ACDA, NSC) \_\_\_\_\_<sup>4</sup>

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<sup>4</sup> Carter did not indicate which option he preferred.

2. *Fallback*—in order of increasing flexibility.

None (DoD, ACDA) \_\_\_\_\_

Respond to Option 1, but do not offer it (NSC) \_\_\_\_\_

Option 2 (State) \_\_\_\_\_

Option 2 and 1 (ERDA) \_\_\_\_\_<sup>5</sup>

### **Attachment**

#### **Memorandum Prepared by the NSC Interagency Group on Proliferation<sup>6</sup>**

Washington, undated

#### **NON-PROLIFERATION AND REPROCESSING IN JAPAN**

Based on the President's instructions to listen to Japanese views on how to deal with the pilot reprocessing plant at Tokai, U.S. representatives from State, ACDA and ERDA met with a visiting Japanese delegation between April 5 and 15. At the closing session it was agreed that another meeting would take place in which the U.S. and Japan would offer new proposals. This memorandum seeks your guidance and instructions for discussions scheduled on June 2 and 3 in Washington.

Japanese spokesmen consistently have stressed that because members of the European Community including West Germany can reprocess U.S.-origin fuel under the U.S.-EURATOM agreement without prior U.S. approval, while Japan cannot, Japan is effectively being discriminated against with regard to plutonium technology development and breeder-related research. In this context they have argued that under the U.S.-Japan agreement our rights are limited to allowing us to make a determination as to whether safeguards can effectively be applied to the facility and that it is inappropriate for the U.S. to employ them to force alterations in the Japanese program.

The Tokai issue has become one of the major campaign issues in the forthcoming Upper House elections. Prime Minister Fukuda is deeply concerned about the political consequences of this issue. In support of their case for proceeding to operate Tokai as initially intended,

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<sup>5</sup> Carter did not indicate which option he preferred.

<sup>6</sup> Confidential.

Japanese officials have referred to the President's April 7<sup>7</sup> and May 2<sup>8</sup> press conference remarks citing Japan as one of the countries which have "a perfect right to go ahead and continue their own reprocessing." They aver that the President reaffirmed that position in private discussions at London with Prime Minister Fukuda.<sup>9</sup>

Japanese spokesmen have proposed that resolution of the Tokai issue be placed in the context of a broad political understanding in which Japan would publicly support our nuclear fuel cycle evaluation program and our position on the security risks inherent in plutonium production. They also appear ready to support our conclusion that recycling plutonium for light water reactors is neither necessary nor economically justified. In return the United States would affirm that it does not intend to discriminate against Japan and, until such time as a viable alternative to a plutonium fuel cycle may be established, that it will grant approvals of transfers of spent fuel for reprocessing elsewhere, and avoid invoking provisions in the U.S.-Japanese bilateral agreement in such a way as to jeopardize Japan's long-term nuclear strategy. Additionally the United States would seek to facilitate Japanese access to assured supplies of low enriched uranium and Japanese interest in becoming a supplier of enriched uranium.

United States non-proliferation policies have been articulated in the President's public statements, PDM-8 decisions and proposed legislation. Any decision on Tokai must bear in mind not only the high political importance of that issue to the Japanese, but our own interests as well. A Tokai decision would be the first, by this Administration, on a foreign reprocessing facility. Although the facility, and its context, are somewhat unique, a U.S. decision could set precedents. The manner in which the U.S. exercises its rights could affect European Community willingness to renegotiate reprocessing rights they now have under the U.S.-EURATOM agreement for cooperation.

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<sup>7</sup> On April 7, Carter told reporters that he recognized that it "would be impossible, counterproductive, and ill-advised for us to try to prevent other countries that need it from having the capability to produce electricity from atomic power" and that the "one difference that has been very sensitive as it relates to, say, Germany, Japan, and others, is that they fear that our unilateral action in renouncing the reprocessing of spent fuels to produce plutonium might imply that we prohibit them or criticize them severely because of their own need for reprocessing. This is not the case. They have a perfect right to go ahead and continue with their own reprocessing efforts. But we hope they'll join with us in eliminating in the future additional countries that might have had this capability evolve." (*Public Papers: Carter, 1977*, pp. 581–586)

<sup>8</sup> On May 2, Carter told European journalists that he favored "the supply of adequate nuclear fuel to nations for power production" but was "heavily committed to the prevention of the capability of non-nuclear nations from developing explosives, atomic weapons." (*Public Papers: Carter, 1977*, pp. 760–767)

<sup>9</sup> No record of this conversation has been found.

There are four general options available under the existing circumstances:

*Option 1: Permit reprocessing at Tokai on a provisional, experimental, multinational basis involving IAEA participation to test safeguards.* Operating on the assumption that one of the outcomes of the fuel cycle evaluation program might be the continued use of plutonium in some nuclear programs, this Option would permit exploration of various safeguards, surveillance, containment and accounting procedures—and multilateral plant concepts—with a view to ensuring that any eventual reprocessing would be carried out only under the most stringent and acceptable conditions. The operations would *not* involve a determination that reprocessing plants can be safeguarded. They would be of limited duration, entail a limited number of reprocessing campaigns and would be cast explicitly in the context of test activities to cover the contingency that a restricted number of reprocessing facilities might emerge in the longer term. The derived plutonium would be employed in the Japanese advanced reactor programs.

This alternative would in all likelihood be acceptable to Japan, although it would beg the question of whether and when Tokai could operate commercially. However, it could establish a presumption that reprocessing is “safeguardable” and signal to other nations that national reprocessing is acceptable. Those risks could be reduced by explicitly linking the Tokai safeguards test activities to the possibility of the eventual emergence of a limited number of carefully sited multinational reprocessing facilities. Furthermore, the notion that improved surveillance, containment and accountability resolve the problem of plutonium stockpiling and abrogation of safeguards agreements would be explicitly rejected. This Option could be seen as inconsistent with the U.S. policy of indefinite deferral of commercial reprocessing. On the other hand, a major advantage of this option is that it reduces the pressure we will otherwise face to supply plutonium for Japan’s experimental breeder program.

*Option 2: Explore through expert consultation the feasibility of altering Tokai so that it could operate to test both reprocessing and partial coprocessing.* This option would involve reorienting the Tokai facility to test alternative methods of extracting value from spent fuel without separating plutonium such as partial coprocessing. In addition it would permit a limited amount of conventional reprocessing in order to derive information regarding safeguards accounting and surveillance techniques. Criteria would be established to assess the non-proliferation value of the selected technology. While this solution would permit some traditional experimental reprocessing, it would be compatible with our international nuclear fuel cycle evaluation program, give tangible international content to our evaluation program

with leadership assumed by a major nuclear-user state, and enable the Japanese to start up the Tokai facility in a manner reasonably consistent with our non-proliferation objectives. Furthermore, a safeguardability determination would not be required.

Although there could be some political sensitivity in Japan, this is fairly close to what they already have proposed informally and should defuse the immediate issue between us. On the other hand, it must be recognized that this option would entail significant modification of Tokai without assuring the continuing operation of the plant or an outcome consistent with long-term nuclear planning and could be regarded by the Japanese as a threat to their fast breeder reactor program. To alleviate this concern, we believe this option would have to be accompanied by U.S. offers to make available to Japan, directly or indirectly, the plutonium necessary to the continuation of their breeder research program.

*Option 3: Explore the possibility of operating Tokai only with a modified process that does not produce pure separated plutonium based on a program worked out through expert consultations with the United States.* This alternative is similar to Option 2 but *excludes* the possibility of running Tokai in a manner that would produce pure plutonium. While partial coprocessing might be the selected alternative technology, final selection of an operating process would depend on the conclusions of an expert committee of Japanese and U.S. nuclear experts. As in Option 2 the non-proliferation value of the selected technology would be assessed according to specified criteria. In order to facilitate continuation of the Japanese advanced reactor research program, the U.S. would undertake to provide the required plutonium directly or indirectly and would facilitate Japanese access to ensured supplies of low enriched uranium and uranium feed.

The Japanese might regard this proposal as discriminatory in view of the fact that European countries are engaged in conventional reprocessing. The U.S. would have to facilitate Japanese access to plutonium for their experimental breeder program along the lines noted in Option 2. Depending on the quantities involved, our nuclear agreement might have to be modified for this purpose.

The U.S. also might be faced with Japanese requests to contribute substantially to the cost of the Tokai modification. The time needed to implement this Option (possibly as much as three years) and other related uncertainties is not likely to make it very appealing to the Japanese. However, this alternative could satisfy the letter and spirit of U.S. policy on deferring conventional reprocessing while offering the Japanese a technical solution for running the Tokai plant.

*Option 4: Seek Japanese agreement to defer running the Tokai plant for a fixed period of time, offering an incentives package in exchange.* Under this

Option the U.S. would seek Japanese agreement to defer start-up of the Tokai plant during the evaluation period. In exchange, the U.S. would offer to provide the plutonium necessary for continuation of the Japanese advanced reactor programs, facilitate Japanese access to assured supplies of uranium ore, take measures to provide forward deliveries of low enriched uranium for the Japanese LWR reactors permitting the creation of a three-year advance LEU stockpile on Japanese territory. The Japanese asked for these assurances during the first round of discussions. If the circumstances so dictated, the U.S. would seek to facilitate Japanese participation through equity sharing or involvement in U.S. multinational enrichment facilities, or in enrichment activities elsewhere.

This Option would prevent the start-up of a new reprocessing facility but, as in Option 3, would require us to either deliver substantial quantities of plutonium or to approve sustained transfers of irradiated fuel from Japan to France or the United Kingdom for reprocessing and to authorize the return to Japan of separated plutonium. The latter course could lead to establishing undesirable precedents. This Option also might entail facilitating the sharing of technology for enrichment purposes. The Option would undoubtedly be received very negatively in Japan because of the political implications of Japan acceding to U.S. demands on Tokai as well as its obvious discriminatory features vis-a-vis West Germany and the European Community.

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### **345. Telegram From the Department of State to the Embassy in Japan<sup>1</sup>**

Washington, June 7, 1977, 1506Z

130632. Subject: U.S.-Japan Nuclear Talks.

1. During series of talks just concluded major attention was devoted to drafting agreed principles in the context of which operation of

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770202-0809. Secret; Immediate. Drafted by William Sherman (EA/J); cleared by Louis Scheinman (T), James Bonight (OES), Harold Benglesdorf (ERDA), Marvin Moss (ACDA), Michael Armacost (NSC), and Sydney Goldsmith (S/S); and approved by William Gleysteen (EA).

the Tokai facility using U.S. origin fuel might be worked out. Full text follows Septel.<sup>2</sup> Essence of these principles was:

A. U.S. recognized importance of nuclear energy development to Japan, supported continued development of peaceful uses of nuclear energy and committed itself not to jeopardize Japan's long-term energy strategy, including its breeder research and development program, promised to work with Japan and other countries to establish assured supplies of uranium ore and lightly enriched uranium, and reaffirmed that it had no intention of discriminating against Japan in area of peaceful uses of nuclear energy.

B. Japan stated its support and intention to cooperate in INFOP, and said it shared concern regarding proliferation dangers stemming from utilizing plutonium. It stated its view that plutonium recycling in LWR's could be a useful technological option if it could be made sufficiently proliferation-resistant; however, it took due note of U.S. conclusion that such recycling is neither economically justified nor necessary. Japan also is of view that plutonium recycling in LWR's is not yet ready for commercialization.

C. It was agreed that operation of Tokai facility would be worked out on basis of these principles. U.S. and Japanese experts agreed consult to develop solution whereby the Tokai facility is operated initially in a manner that would provide new information of significant non-proliferation value.

2. With respect to U.S. team of experts, GOJ negotiators stipulated that team should prepare joint report with Japanese colleagues, that report be submitted to both governments as quickly as possible, and that, if practicable, it be submitted while team was still in Japan.

3. At this stage, GOJ negotiators did not rpt not wish to allude to fact that principles had been agreed upon and wished avoid any reference to existence of document in discussing negotiations with press. U.S. side agreed. At same time, negotiators agreed ask their governments to consider making text of agreed principles public at later date.

4. Negotiators also agreed on terms of reference for joint technical team visit to Tokai-Mura. In brief, mandate of team is to:

A. Examine degree of proliferation resistance of various methods of operating facility, explore methods of reducing proliferation danger, including improving safeguards effectiveness.

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<sup>2</sup> The full text of the agreed principles is in telegram 132388 to Tokyo, June 8. (National Archives, RG 59, Central Foreign Policy File, D770204–1089)

B. Explore alternative methods of operation (e.g., some sort of co-processing) and assess the impact of such alternatives on cost, storage tank availability and lead time, schedule delays, etc.

C. Recommend preferred modes of operation, both interim and long term.

5. Dept believes this round of negotiations was successful in outlining a general framework for a mutually acceptable outcome and in providing a suitable basis for further discussion. We still do not, however, have resolution on a mode of operation of Tokai-Mura that would be acceptable to both sides and we would expect the U.S. team to probe with the Japanese the extent to which they are prepared to operate on a basis not involving production of weapons-usable material. While difficult negotiations still lie ahead, some genuine agreement has been achieved on general principles and the issue has been somewhat defused.

Vance

### 346. Telegram From the Department of State to the Embassy in Romania<sup>1</sup>

Washington, June 9, 1977, 2107Z

133712. Paris for Nye and Nosenzo, Vienna for IAEA. Subject: International Nuclear Fuel Cycle Evaluation.

1. Following is paper outlining the International Nuclear Fuel Cycle Evaluation Program.

2. Begin text. The International Nuclear Fuel Cycle Evaluation (a possible approach).

A. The objectives of the International Nuclear Fuel Cycle Evaluation are to:

—Enhance international cooperation in dealing with common concerns related to the use of nuclear power for civil purposes and provide a forum for exchange of views and voluntary harmonization of policy; and

<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770206-1164. Confidential. Sent for information to Paris and Vienna. Drafted by Samuel Fromowitz (EUR/EE); cleared by James Devine (OES/NET), Edward McGaffigan (T), and Louis Nosenzo (OES/NET); and approved by John Armitage (EUR).



—Provide information to guide the development of alternative nuclear power systems that minimize potential proliferation while assuring reliable economic and environmentally acceptable energy supplies for each nation. The Program will identify and assess the feasibility of alternate systems to meet energy needs on a timely basis.

B. Each participating country and international organization would contribute to the objectives set forth in paragraph 1 above by applying scientific, technical and financial resources, alone or in cooperation with others as it deems appropriate, to programs and projects commonly identified as useful in the Evaluation.

C. The participants could designate national agencies or other public or private organizations as the vehicle for their contribution to the Evaluation.

D. The Evaluation Program will consist of a number of coordinated research and study programs related to existing fuel cycles and future cycle alternatives. Countries and international organizations interested in participating in research and evaluation in a particular area will work together. One or more of the participants, as agreed among themselves, would be designated as the lead participants, i.e. responsible for arranging meetings and coordinating work in the particular area. The overall evaluation will be coordinated through participation in a steering committee which would meet to launch the Program and periodically to assess progress. The steering committee can consist of representatives of lead participants and other participating countries as well as representatives of international organizations with a major interest in the Evaluation.

E. Discussion of an overall INFCE plan and schedule should take place in the next few months. We would hope that identification of lead participants and joint examination of a work plan for each major area could proceed in parallel, with work implementation in some areas beginning in early fall. At this juncture, the U.S. believes there would be merit in launching the Program through a steering committee meeting that would direct various technical working groups to define and develop areas of mutual interest. These groups would report back to the steering committee. We would expect the general review of results and discussion of further work in about two years. Including a possible prioritizing of items for further development.

F. The work of the Evaluation would be coordinated with and make use of the capabilities of the IAEA. The IAEA could be represented on the steering committee. The results of working groups would be fed into the IAEA program through symposia and publications. IAEA experts could participate in working groups and might function as lead participants in some areas. Periodic overall reviews could take place under IAEA auspices. The capabilities of other organizations could be applied as appropriate.

G. Participating nations would, in accordance with their own interests and programs, undertake and coordinate research and evaluation in the following specific areas, and others as identified by the participants.

(1) An international assessment of uranium availability and demand taking into account the work already being performed by the IEA and NEA. This would include consideration of coordinated exploration, joint resource development, and measures to facilitate export/import arrangements consistent with prudent non-proliferation conditions. Differing market regimes and interaction with commercial issues would be taken into account. A parallel study on thorium could also be undertaken.

(2) Investigation of sound mining techniques for recovery of lower grade ores.

(3) An evaluation among interested states of uranium enrichment requirements and projected capacity. This would include consideration of joint planning to ensure adequate capacity and of collaborative investment opportunities.

(4) An examination of possible institutional arrangements designed to assure long-term fuel supply. This will include analyses of such arrangements as bilateral supplier-consumer guarantees, multinational arrangements that would permit consumer investment in enrichment services, and fuel pooling, all aimed at insuring access on a non-discriminatory basis to reactor fuel to countries meeting mutually agreed non-proliferation constraints.

(5) An examination of demand and assured supply arrangements for heavy water.

(6) Coordinated research, information exchange and technical aid in fostering near-term options for increasing spent fuel storage including technologies for more efficient utilization of existing spent fuel capacity (e.g. neutron absorbing racks) and technologies for rapidly installing additional capacity. Studies designed to facilitate the safe and economical transportation of spent fuel and radioactive wastes.

(7) Possible establishment of international spent fuel repositories, including studies on a regional basis to assess sites for such repositories and develop legal, financial and institutional frameworks for bringing such repositories into existence.

(8) Studies on long-term retrievable storage. This would include consideration of various research concepts and comparison of experimental results on ongoing research on retrievable storage technologies.

(9) Work on the technology for permanent storage of spent fuel or high level waste, including disposal canister design and testing. Joint consideration of international repositories would also be undertaken.

(10) A systematic assessment of the comparative advantages of various reactor and fuel cycle concepts, taking into account relevant criteria pertaining to non-proliferation benefits, technical feasibility, economic implications, and prospective usefulness in meeting energy needs.

(11) Research on various technical methods to increase once-through uranium utilization in LWRS and HWRS, such as optimized fuel and loading designs and spectral shift modifications that would significantly increase fuel utilization and reactor efficiency.

(12) Research programs on advanced reactors, breeder alternatives and thorium use, including:

- HTR once-through applications using low-enriched uranium;
- HTR thorium/uranium denatured fuel cycle applications;
- Various breeder concepts, including light water, thorium, sodium, and gas-cooled breeders, particularly those concepts which, while requiring sensitive fuels and fuel cycle elements, would also support existing or future non-sensitive reactor cycles;
- Other advanced reactor concepts, including research on reactor possibilities that are in the conceptual rather than experimental stage, such as particle accelerator/reactor concepts, homogeneous reactors, plasma reactors and hybrid fission/fusion reactor concepts.

(13) Efforts in the area of reprocessing and related technical alternatives including:

—Analytical studies of the economic and environmental aspects of reprocessing and recycle, including the results of extensive recent U.S. work on the economic and environmental affects of reprocessing and recycle;

—Technical alternatives to reprocessing techniques which produce plutonium in a pure form, to include international evaluation of the non-proliferation, safeguards, physical protection and economic implications of techniques such as uranium separation only; Various coprocessing modes, pyro-chemical processing, and THOREX reprocessing evaluation; (The non-proliferation and other implications of the use of conventional reprocessing and plutonium-handling techniques would be employed as a frame of reference in assessing the value of alternatives.)

—With regard to reprocessing or other processes involving production and use of weapons-usable material, an examination of the problems associated with attempting to safeguard or better protect them and evaluation of possible future international arrangements to reduce proliferation risks associated with abrogation or termination of safeguards. End text.

Vance

### 347. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, June 22, 1977

SUBJECT

Reply to Giscard

President Giscard has sent you (at Tab B)<sup>2</sup> a letter on proliferation. (It is not really a personal letter but rather one prepared by the bureaucracy.) In the letter, he asserts that a misunderstanding occurred regarding the objectives of the nuclear experts meeting in Paris on June 8–9.<sup>3</sup> He says he thought it was supposed to study the feasibility of the fuel cycle study; we and everyone else thought that issue was settled and used the Experts' Meeting to draft terms of reference for the study.

Giscard's letter suggests that the French now are going back on what appeared at the Summit to be a commitment to participate in our proposed international fuel cycle evaluation. He expresses his belief that the experts should meet again to undertake the preliminary study commissioned in London.

Attached at Tab A<sup>4</sup> is a proposed response to President Giscard that urges the French to get back on board with respect to the evaluation, while making some accommodation for the apparent "misunderstanding." It also takes advantage of Giscard's opening to you to raise our two key issues with the French:

—*Adoption of full scope safeguards:* We have made startling progress in the past two months on full scope safeguards: the Canadians already practice them unilaterally; the British, Germans and Soviets have stated clear support for them as *joint* supplier policy. The only remaining barrier to their formal adoption at the fall London Suppliers meeting is France.

—*The Pakistani deal:* We want to take this opportunity again to bring up the Pakistan issue with Giscard. A complimentary reference to Giscard's efforts to delay deliveries to Pakistan and mention of the potentially positive effect on Pakistan of the attitude of the new Indian

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<sup>1</sup> Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Box 12, France: 1977. Confidential. Sent for action. Carter initialed the top of the memorandum.

<sup>2</sup> The Giscard letter was not attached but is available in telegram 147101 to Paris, June 23. (National Archives, RG 59, Central Foreign Policy File, P850056-2578)

<sup>3</sup> Not found.

<sup>4</sup> Tab A was not attached. Carter's response is available in telegram 147101 to Paris. (Ibid.)

Government should encourage Giscard to feel more like a partner in these efforts and would tie the Pakistan issue into the overall picture in a low-key way.

The French concerns, mentioned in paragraph 2 of your reply, refer to: French demands that for the duration of the fuel cycle study (1) the U.S. allow *all* reprocessing of U.S.-supplied fuel from third countries, and (2) the U.S. agree not to renegotiate the U.S.–EURATOM Agreement for Cooperation.<sup>5</sup> While both of these positions are in conflict with your expressed policy, there is modest room for maneuver. Specifically, State and ERDA propose the following steps referred to in the response.

1. That we agree to begin renegotiation of those elements of the U.S.–EURATOM Agreement that are *not* controversial, and that we agree not to take up, for the period of the first two-year phase of the fuel cycle evaluation, the controversial elements relating to disposition of spent fuel within the European Economic Community, including both reprocessing and retransfer.

2. That we indicate that we are prepared to consider favorably U.S. approval for reprocessing sufficient amounts of spent fuel during the period of the evaluation to ensure that the capacities of *existing* French facilities are met, but not agree to any long-term contract for reprocessing of spent fuel (particularly from Japan) that would be used to finance the construction of *new* French reprocessing facilities.

Finally, I believe we can use the response to Giscard to good effect by noting that Gerry Smith will soon be available to meet with appropriate officials of the French Government to explain your views in greater detail. This reference to Gerry's role should help open a useful channel of communications at a level between the technical experts and direct contact between you and Giscard. The French have been exploiting this gap up until now.

**RECOMMENDATION:**

That you approve the draft response.<sup>6</sup>

That you approve the negotiating positions outlined here, to be proposed to the French by Smith as soon as possible.<sup>7</sup>

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<sup>5</sup> On June 23, 1958, the Eisenhower administration asked Congress for the "early approval" of an agreement between the United States government and the six EURATOM countries—Belgium, France, the FRG, Italy, Luxembourg, and the Netherlands—to cooperate to produce and use nuclear energy in Western Europe. (See "President Asks for Congressional Approval of Agreement with European Atomic Energy Community," June 23, 1958, in Department of State *Bulletin*, pp. 70–80)

<sup>6</sup> Carter checked the "Approve" option and wrote "as amended" in the right-hand margin.

<sup>7</sup> Carter checked the "Approve" option and wrote "Be firm—C" in the right-hand margin.

### 348. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>

Washington, July 6, 1977, 1613Z

156342. USEEC, USIAEA. Subject: US-USSR Non-proliferation Discussions—June 17.

1. Summary. Morokhov made lengthy statement including many points contained in statement at last London meeting.<sup>2</sup> Major new point was proposal for joint top level US-USSR declaration outlined below. Nye deferred answer on top level declaration question but suggested London guidelines could be common suppliers declaration when guidelines finalized and publicized.<sup>3</sup> US raised protocol II of treaty of Tlatelolco, pointing out relevance of Soviet action to possible movement by Brazil.<sup>4</sup> Full scope safeguards were discussed and Nye urged USSR to announce a unilateral policy similar to US. Nye suggested Soviet proposals on stockpile limits and regional centers be considered in INFCE. Highlights follow. Full report will be pouched.<sup>5</sup> End summary.

2. US team headed by ACDA Director Warnke and Deputy Under Secretary Nye met for 4½ hours June 17 with Soviet Delegation headed by Morokhov. Warnke opened meeting by referring to March agreement in Moscow to hold regular nonproliferation discussions,<sup>6</sup> briefly reviewed several agenda items, reemphasized relevance of a CTB with no PNE loophole to non-proliferation, and asked Nye to handle de-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770240-0291. Confidential. Sent for Information to Paris, London, Bonn, Brasilia, Brussels, and Vienna. Drafted by Rust (ACDA/NP/NX); cleared by Nye, Louis Nosenzo (OES), Oplinger, Nelson Sievering (ERDA), William Salisbury (EUR/RPE), Jon Glassman (EUR/SOV), and Giles Harlow (DOD); and approved by Charles Van Doren (ACDA/NP).

<sup>2</sup> The last meeting of the London Suppliers Group occurred on April 28-29. Morokhov's statement is in telegram 106802 to London, May 11. (National Archives, RG 59, Central Foreign Policy File, D770166-0383)

<sup>3</sup> Reference is to the Zangger Committee of the London Suppliers Group's Guidelines for which nuclear supplies could not be exported to Non-Nuclear Weapons States by members of the Group. These guidelines came from Article III of the Non-Proliferation Treaty, which said that "source or special fissionable material and equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear weapon State for special purposes, unless the source or fissionable material shall be subjected to the safeguards required by this Article." (*Documents on Disarmament*, 1968, pp. 461-465)

<sup>4</sup> Protocol II calls upon nuclear-weapon states to agree to respect the obligations set forth in the Treaty and to promise not to use or threaten to use nuclear weapons against Contracting Parties to the Treaty. See *Foreign Relations*, 1964-1968, vol. XI, Arms Control and Disarmament, Document 226.

<sup>5</sup> Not found.

<sup>6</sup> See Document 332.

tailed discussions. Following Nye's introductory remarks Morokhov delivered a lengthy statement (para 3 and 4).

3. Morokhov mentioned Brezhnev's May 29<sup>7</sup> call for maximum non-proliferation effort and identified the following areas for joint US-USSR consideration:

- Enhancement of NPT; suggested joint action to encourage adherence by several conspicuous non-parties;

- Promotion of full scope safeguards as condition of supply, including efforts to secure such a condition on part of potential exporters of source material; (there was discussion of how to deal with French on this question);

- Moratorium on sensitive transfers—Morokhov said USSR supports and stressed that fuel services should be offered; USSR can expand enrichment capacity;

- Agreement among exporters on sanctions; suppliers should consult if recipient defaults on IAEA obligation including exploding nuclear device; exports should be halted and issue raised at IAEA and UN; USSR also ready to consider other sanctions;

- Limits on stockpiles of weapons usable material by requiring spent fuel return to supplier or to regional center; could be additional provision in London guidelines;

- Multinational centers for spent fuel storage and reprocessing;

- Regular bilateral and multilateral supplier consultations especially in cases of large transfers or when major new assistance is undertaken; also suppliers could exchange trigger list information;

- Strengthening IAEA safeguards; mentioned carrying out experts' recommendation of safeguards evaluation unit, and urged stronger US support; said USSR puzzled by US "passivity" on ensuring effective agreements with EURATOM and Japan; suggested encouraging NPT parties to conclude agreements, and discussed SAGSI;

- Promotion of physical security convention; USSR studying US draft;<sup>8</sup>

- Suggestion of US-USSR declaration to be signed at top levels calling for universal nonproliferation regime, supporting peaceful international nuclear cooperation not contributing to explosive spread, full scope safeguards and additional NPT adherence and other supplier group type issues on sensitive transfers, sanctions, physical security; support for IAEA safeguards. Morokhov stressed that list of topics was suggestive only; essential element is joint character of declaration at highest levels.

4. Morokhov concluded statement by saying INFCE proposal will contribute to nonproliferation and USSR has no objection to program. They will consider participation of Soviet experts in technical discussions.

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<sup>7</sup> See "Address by General Secretary Brezhnev on French Television [Extract]," May 29, 1977, in *Documents on Disarmament, 1977*, pp. 357–358.

<sup>8</sup> Not found.

5. Initial Nye comment on Soviet proposal for joint declaration was to defer any response re issuance at top level. Since list of topics parallels suppliers guidelines, he suggested that this purpose could be served by the joint suppliers declaration when guidelines finalized and published. Morokhov indicated proposed declaration would precede further and complement existing suppliers efforts and be wider in scope.

6. NPT and Treaty of Tlatelolco: Nye noted President Carter support for universal NPT adherence, but mentioned full scope safeguards and Tlatelolco as partial steps which are useful in specific situations (i.e. in India and Latin America). Nye reported some indications Indians may be willing to consider full scope safeguards and US impression Brazil might waive entry-into-force provisions of Tlatelolco if USSR signed Protocol II. Nye repeated US request for USSR to reconsider their Protocol II position. Soviets responded by reiterating their support for full scope safeguards and NPT. Timerbaev (USSR) said Protocol II position is being studied but remains unchanged for now. He suggested Tlatelolco approach too complicated to obtain full scope safeguards. Nye reported some preliminary indications Argentina might move towards acceptance of full scope safeguards.

7. Morokhov reiterated the suggestion for joint messages—perhaps along with UK—encouraging NPT adherence. NYE said US fully accepts spirit of this suggestion but sometimes best diplomacy lies not in such joint approaches, but in exchanges of information—such as the present one—regarding measures to strengthen nonproliferation regime.

8. EURATOM and NPT Safeguards Agreement: Morokhov said situation was dangerous,<sup>9</sup> represented clear cut NPT violation, and asked if US would consider joint action at September board to urge EURATOM to conclude this matter speedily. Nye said US also concerned, that we have indicated our concern to EURATOM, and are prepared to do so again, but did not indicate willingness to act in IAEA board.

9. Full Scope Safeguards: To Soviet question on French position Nye said may have to consider fall-back in September if their position is clearly negative. Nye encouraged USSR to make public statement similar to US and others as way of moving French in this direction. Mo-

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<sup>9</sup> In telegram 124488 to Brussels, May 28, the Department of State said that “there continue to be reports of major obstacles to the implementation by the IAEA of effective safeguards in EC NNWS [European Community Non-Nuclear-Weapon States]. In particular, there appears to be a continued unwillingness on the part of EURATOM to fully allow the independent verification activities by the IAEA which are called for in the IAEA/EURATOM safeguards agreement and which are essential for effective IAEA safeguards.” (National Archives, RG 59, Central Foreign Policy File, D770191-1100)



rokhov said such a unilateral approach is no problem but they doubt it would be effective. He said perhaps French could approach this like NPT, i.e. not a party officially but act as if they were. He indicated FRG waiting for French. Also said any hope of retroactive application unrealistic and should be abandoned.

10. Moratorium on Sensitive Transfers: Nye said US position to get statements country-by-country has some chance of success. Morokhov said while practicing such a policy they prefer to press for formal adoption in suppliers guidelines. He indicated French statement was not specific enough.<sup>10</sup> Nye questioned whether full suppliers group was appropriate for this purpose since only a few members were suppliers of sensitive items.

11. Nuclear Materials Stockpiles and Regional Centers: Nye said these questions ought to be considered in INFCE rather than in London group. He elaborated on INFCE rationale and asked Morokhov for specific suggestions or reactions to US evaluation proposal, e.g. how should it relate to IAEA and should any of technical features be changed? Morokhov suggested this be deferred to next round of consultations.

12. Libya: Morokhov assured US Delegation that the fuel was enriched to only 20 and that all spent fuel would have to be returned.

13. Timerbaev announced that he and Warnke had come to agreement on opening of CTB talks in Geneva on July 13, and that there should be further nonproliferation bilaterals before September suppliers' meeting. Soviets appear to have had impression that such talks might be in Geneva following CTB, but Warnke did not make this commitment.

Vance

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<sup>10</sup> Not found.

**349. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, July 8, 1977

[Omitted here is material unrelated to non-proliferation.]

4. *Gerard Smith's Meetings in Paris*: Gerard Smith has just completed an initial day of consultations in Paris with Foreign Minister de Guirngaud and other key officials on non-proliferation and nuclear policy questions.<sup>2</sup> The French reiterated strongly the importance they attach to their present nuclear power program.<sup>3</sup>

The discussion produced understandings on spent fuel retransfers, and on renegotiation of the US/EURATOM agreement. The understandings remove these issues as impediments to French participation in the International Nuclear Fuel Cycle Evaluation (INFCE). However, the French indicated great distress over Canada's insistence that it have a veto over reprocessing of any fuel Canada supplies. It is not yet clear whether the French participation in INFCE will be conditioned on solution of this problem. The French government will make its decision after the next experts meeting, now scheduled for the end of July.

Ambassador Smith also reiterated our concern over the reprocessing plant sale to Pakistan and our interest in full-scope safeguards. There is no new French position on these issues yet.

[Omitted here is material unrelated to non-proliferation.]

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 22, France: 1-12/77. Secret. In the upper right-hand corner of the first page of the memorandum, Carter wrote "Cy, J."

<sup>2</sup> The Embassy transmitted a report of the meeting in telegram 19861 from Paris, July 8. (National Archives, RG 59, Central Foreign Policy Files, D770243-0334)

<sup>3</sup> In the left-hand margin, Carter wrote "We'll form a policy, along with others, either with or without the French."

**350. Telegram From the Embassy in France to the Department of State<sup>1</sup>**

Paris, August 9, 1977, 1720Z

22983. For the Acting Secretary from the Ambassador. Subject: French Reprocessing Plant for Pakistan.

1. On August 8 de Guiringaud told me in strict confidence how the French government intends to proceed on the Pakistani reprocessing issue in hopes of (A) buying a substantial amount of additional time and (B) putting the Pakistanis in a position in which they will have to accept a plant not capable of producing plutonium. De Guiringaud explained that he was giving US this highly sensitive information in advance because we would have a crucial role to play after rpt after the French make their move. Meanwhile, he would like to know our reaction. Obviously, any leak of the French intention would almost certainly blow up the whole operation, causing a crisis in French-Pakistani relations and putting us in considerable difficulty with the French. I therefore request that this be held on the strictest need to know basis.

2. After summarizing the history of this subject, going back to 1972, and implying that neither he nor Giscard would have moved in this direction, de Guiringaud explained that France has thus far turned aside repeated overtures by Agha Shahi to come to Paris to seek reconfirmation of French willingness to proceed with the contract. De Guiringaud, however, decided to delay seeing Agha Shahi until after the Seven Power meeting in Paris and French acceptance of INFCE had generated the necessary momentum and created a new situation. This, according to de Guiringaud, has given the new basis for international efforts on non-proliferation and, indeed, changed the atmosphere for international discussions.

3. Accordingly, de Guiringaud is sending word to the Pakistani government that he is prepared to see Agha Shahi sometime between about Sept 5 and Sept 15.

4. De Guiringaud's plan is to make a presentation along the following lines:

—France has signed a contract and it intends to honor its commitment.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840083–0297. Secret; Immediate; Cherokee; Nodis. The message was forwarded to Brzezinski in telegram 186754 to the White House, August 8. (National Archives, RG 59, Central Foreign Policy File, N770004–0680)

—However, since French-Pakistani talks first began on the matter in 1972 (contract signed in 1974) the relevant techniques have substantially changed.

—France, therefore, proposes to revise the plans for the reprocessing plant so that it will furnish a product which, perhaps with some supplemental treatment, can be used [garble] only as reactor fuel.

—French and Pakistani experts should review the entire matter and reach agreement on revision of plans for the plant. Meanwhile, however, the French would send no more equipment based on old plans.

5. Irrespective of how the Pakistanis might really feel about that—and whatever the internal pressures might be from the military or other elements of the power structure in Pakistan—the Pakistanis would have to limit their outward protest: otherwise they would be, in effect, admitting to the world that they want the reprocessing plant in order to obtain plutonium. In such an eventuality, de Guiringaud is confident that he can persuade Giscard to cancel the contract.

6. De Guiringaud believes it more likely that the Pakistanis will protest on grounds of increased cost rather than a change in the character of the product to be produced by the reprocessing plant. The French say there would indeed be an increase in cost, perhaps on the order of some \$10–12 million. (Comment: It was clear in context of the conversation that this was a very rough estimate and we should not take it as a firm figure.)

7. After he has made his pitch to Agha Shahi, de Guiringaud would like us to follow up with the Pakistanis to reassure them that Paris is offering an honorable way out: that acceptance of the French offer would put them clear of the Symington Amendment;<sup>2</sup> and that the US would be willing to help with the supplementary costs. With regard to cost, de Guiringaud emphasized that neither the French government nor private company (St. Gobain) would be in a position to pay. Moreover, he interprets his previous understandings with Secretary Kissinger on this subject to be still in force; [garble] that we would be prepared to help with the supplementary financial costs if a way out could be found to meet our desiderata on non-proliferation.

8. Whatever the ultimate outcome, de Guiringaud does not seem to anticipate an immediate, flat Pakistani rejection. He considers it more likely that the Pakistanis would go along with some bilateral experts' review which ought at the very least to take about six months. By then, Pakistan would be heavily engaged in INFCE which should put them under additional pressure not to go too far.

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<sup>2</sup> The 1976 Symington Amendment to the Foreign Assistance Act of 1961 banned U.S. economic, military assistance, and export credits to countries that deliver or receive, acquire or transfer nuclear enrichment technology when they do not comply with IAEA regulations and inspections.

9. I asked whether the French are truly confident that different technology would get around the danger of producing weapons grade material. De Guiringaud repeated that he believes French technology can give the Pakistanis a plant producing an enriched material which, with some supplementary treatment and shaping into fuel rods, could be used only as reactor fuel. For the Pakistanis to take the product of this plant and turn it into plutonium would be technically possible but would require an entire additional plant whose construction would be easily detectable.

10. Prior to this exchange, I had briefly outlined our suspicions about Pakistani intentions. Locke will now follow up in more detail with de Laboulaye. I sensed that French welcome this information because some of them at any rate have had their own suspicions. Thus the emphasis in the new proposal on testing Pakistani intent.

11. Once again let me emphasize sensitivity of these discussions. In addition to reaction we might have, it is clear to me that at some point prior [to] French talk with Pakistanis we would wish to agree on exact nature of our intervention and perhaps also have very discreet talk about technical details of French plan.

12. Other parts of my conversation are being transmitted separately.<sup>3</sup>

**Hartman**

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<sup>3</sup> Telegram 23286 from Paris, August 10, reported that de Guiringaud “reiterated standard but strong French concerns on arms control and strategic issues, particularly CTB and MBFR.” (National Archives, RG 59, Central Foreign Policy File, D770288–0193)

### 351. Telegram From the Department of State to Secretary of State Vance<sup>1</sup>

Washington, August 24, 1977, 2116Z

Tosec 90128. 202154. Subject: Tokai Mura Decision.

1. Following is text of memorandum for the Secretary from Dr. Zbigniew Brzezinski. Begin quote. The President has considered U.S. policy options with respect to the Tokai reprocessing plant issue, and instructs the U.S. negotiator to seek early resolution of the Tokai issue with Japanese authorities along the line of State's proposed model agreement (attached).<sup>2</sup> In particular, the agreement should include these essential elements:

2. (1) Japanese government acceptance of these undertakings:

—Public agreement that recycling in light water reactors is premature.

—Active support for INFCE and other U.S. non-proliferation objectives.

—Limitation of any operation of Tokai involving plutonium separation to meet actual plutonium needs for advanced reactor development.

—Postponement of any major moves toward a follow-on 1500 ton reprocessing plant during INFCE.

—Consultations with U.S. regarding the results of INFCE and the appropriateness of multinational alternatives to a national reprocessing facility as well as spent fuel storage possibilities.

—Affording the IAEA maximum opportunity, including continuous inspection, to apply safeguards during experimental operations on Tokai.

3. (2) Approval for the start-up of the Tokai facility for reprocessing in the scheduled mode, but with a limited amount of irradiated fuel, coupled with Japanese agreement to undertake a mutually acceptable major coprocessing experiment subsequently.

4. (3) The negotiator is further authorized to seek, but not insist upon, the addition of advanced safeguards testing and the requirement for a blended product. End quote.

**Christopher**

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770306-0438. Secret; Niact Immediate; Exdis. Drafted by Stephen Ecton (EA/J) (text as received by the White House); cleared by Eric Fleischer (S/SO); and approved by Robert Oakley (EA). Vance was in the People's Republic of China August 20-26.

<sup>2</sup> Not found.

**352. Memorandum of Conversation<sup>1</sup>**

Washington, August 25, 1977, 9:45–9:55 a.m.

**PARTICIPANTS**

The President

Gerard Smith, Ambassador-at-Large for U.S. Nuclear Proliferation Matters

Michael Armacost, NSC Staff Member

Ambassador Smith indicated that he wished to talk briefly about what he might face in the negotiations with Japan over the Tokai issue. He noted that one should not expect them to return from this round of talks with an agreement signed and sealed—with which the President readily agreed. The Japanese, Smith said, are likely to raise a number of specific questions which will require a U.S. response; above all, whether we will be prepared to assist them in obtaining plutonium to meet their advanced reactor requirements by shipping plutonium directly or approving shipments from the UK or France. In addition, the Japanese will face difficulties in determining what type of conversion plant to build since different facilities would be required to handle the product of conventional reprocessing on the one hand and a co-processed product on the other.

The President emphasized that Congress at present feels very strongly about limiting U.S. exports of plutonium. Therefore, Smith should indicate to Fukuda and other Japanese representatives that we cannot guarantee Congressional approval for any arrangements which would provide for U.S. exports of plutonium. The President replied that he would be prepared to join Smith in discussing this matter with Congressional leaders to insure that the legislation makes provisions to handle Japan's unique problem. He indicated that Smith could tell Fukuda that he would undertake such efforts with the leadership on the Hill.

Smith then noted that we are asking the Japanese to undertake a very large-scale safeguard experiment, the cost of which may run as high as \$15 million. He asked the President whether as the negotiator, he had any leeway to accept some sharing of these costs. The President indicated that this would be very hard to sell with Congress and the public in view of the fact that we have been doing major experimentation in this field for years without requesting others to share the financial burden. Smith suggested that one step short of direct cost-sharing would involve transfer by the U.S. of some advanced instrumentation

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 35, Memcons: President, 8/77. Secret. The meeting took place in the Oval Office.

to the IAEA which in turn could make it available for us by the Japanese at Tokai. The President indicated that he would have no difficulty with this sort of arrangement.

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**353. Memorandum from Acting Secretary of State Christopher to President Carter<sup>1</sup>**

Washington, August 30, 1977

SUBJECT

Current Tokai Negotiations

Gerard Smith is now in Tokyo negotiating the conditions under which the Japanese prototype reprocessing facility at Tokai may reprocess US-origin fuel. His negotiating instructions are set forth in Attachment 1.<sup>2</sup>

Gerry Smith has obtained Japanese agreement to all the undertakings we requested with one exception: the Japanese have said they now can give us only an assurance of their *intention* to go to co-processing after two years, because they cannot agree to a *commitment* which would require Diet ratification. Gerry has cabled us asking for authority to reach an ad referendum agreement on this revised basis this week (Attachment 2).<sup>3</sup>

With your approval, we would propose to cable Gerry tomorrow to modify his instructions along the lines he and Ambassador Mansfield have recommended, for the following reasons:

1. Japanese acceptance of our position on deferral of recycling of plutonium in light water reactors is an important support for our non-proliferation policy, and is particularly useful coming on the eve of the launching of the INFCEP program.

2. We believe that the commitments that the Japanese have made are more important than the question of when a technically marginal procedure such as co-processing would commence at Tokai. We still retain the option to insist on co-processing after two years.

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<sup>1</sup> Source: National Archives, RG 59, Papers of Michael Armacost: Lot 89D265, Box 4. Secret; Nodis.

<sup>2</sup> See Document 354.

<sup>3</sup> Telegram 206967 to the White House, August 30; National Archives, RG 59, Central Foreign Policy File, N770005-0443.



3. It is important to maintain a close working relationship with Japan in the nuclear area, and Ambassador Mansfield has warned that further delay may not work in our favor. Political developments could complicate our relationship and threaten gains already made.

You should be aware that Smith's recommended solution may be criticized by some in Congress. However, the pending non-proliferation legislation would cause difficulties for any of our proposed solutions, and the problem may be exacerbated by further delay. In any case, consultations with Congress will be crucial. Ambassador Mansfield should be able to help.

ACDA agrees with this recommendation.

Attachments:

1. Memorandum from Dr. Brzezinski.
  2. Telegram from Ambassador Smith.
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#### **354. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, August 31, 1977

SUBJECT

Tokai Decision

Ambassador Smith is *standing by for your decision* regarding the proposal summarized below. Given the extraordinary importance and public visibility of this issue in Japan, it will be preferable to have a resolution of this issue prior to Smith's departure from Tokyo in roughly 12 hours from now.

The memorandum from Warren Christopher<sup>2</sup> contains a recommendation, supported by ACDA, that the changes proposed by Smith be accepted. The brief cable from Smith, marked by me,<sup>3</sup> summarizes the key elements of the proposed deal, while his longer cable explains

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<sup>1</sup> Source: National Archives, RG 59, The Papers of Michael Armacost: Lot 89D265, Box 4. Secret. A handwritten "C" in the upper right corner indicates that Carter saw the memorandum.

<sup>2</sup> See Document 353.

<sup>3</sup> See footnote 3, Document 353.

the significance of the Japanese offer to delay construction of the plutonium conversion plant.<sup>4</sup>

In essence, the Japanese (1) want to defer decision on coprocessing for two years, subject to successful R&D and INFCEP; (2) recognize that U.S. originated fuel will not be available beyond the two-year period unless they then accept coprocessing; and (3) are willing to impose a voluntary deferment on the construction of their proposed plutonium conversion plant, despite their existing financial commitments to proceed.

I have asked for comments, as you instructed, from Jessica Tuchman and Kitty Schirmer. Their reactions are as follows:

Schirmer: "I concur with the Christopher memo and Brzezinski's recommendation to accept; in our public announcement we should stress the major commitments the Japanese have made at our behest."

Tuchman feels that we should insist on a commitment from the Japanese to go into coprocessing unless it is agreed by both sides that it is technically infeasible or ineffective; in effect, our original position. Her view is that the implied commitment by them, implicit in the two-year deferral, will be viewed by Congress and elsewhere as an excessive concession.

On balance, having had extensive consultations with Gerry Smith, Joe Nye, Christopher, and others, I feel that we should authorize Smith to proceed as urged by him.<sup>5</sup>

J.C.

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<sup>4</sup> Smith's longer cable is telegram 13359 from Tokyo, August 31. (National Archives, RG 59, Central Foreign Policy File, P850106-2030)

<sup>5</sup> Underneath the last sentence, Carter wrote "ok. J.C." On September 12, the United States and Japan announced that they would "cooperate in evaluating the nuclear fuel cycle and the future role of plutonium" and would "defer decisions relating to the commercial use of plutonium in light water reactors at least during" the INFCE program over the next two years. (*Documents on Disarmament, 1977*, pp. 560-562)

**355. Memorandum of Conversation<sup>1</sup>**

Washington, September 15, 1977, 11:06 a.m.–12:50 p.m.

SUBJECT

Summary of the President's Meeting with French Prime Minister Raymond Barre

PARTICIPANTS

President Jimmy Carter  
Vice President Walter F. Mondale  
Secretary of State Cyrus Vance  
Dr. Zbigniew Brzezinski, Assistant to the President for National Security Affairs  
Warren Christopher, Deputy Secretary of State  
Arthur A. Hartman, U.S. Ambassador to France  
George Vest, Assistant Secretary of State for European Affairs  
Robert Hunter, NSC Staff Member (Notetaker)  
Alec Toumayan, Department of State Interpreter  
  
Raymond Barre, Prime Minister of the French Republic  
Louis de Guiringaud, Minister of Foreign Affairs  
Jacques Kosciusko-Morizet, Ambassador of France to the United States  
Francois de Laboulaye, Under Secretary for Political Affairs  
Jean-Claude Paye, Advisor to the Prime Minister on International Affairs

The President and the Prime Minister met alone in the Oval Office from 11:06 a.m. until 11:33 a.m., and together with the others in the Cabinet Room until 12:50 p.m., as follows.

[Omitted here is discussion unrelated to non-proliferation.]

*The President* said that this is a legitimate reason. He appreciates France's taking part in the fuel cycle evaluation. There had been some problems, and he hopes that we have accommodated to France's concerns. When the U.S., Canada, and Australia decide on a policy, he wants to understand France's needs. We never try not to let others get the breeder reactor. We are working on one, too. We should share experiences on questions like the origin of uranium ore, and how to minimize the "refining" of it for explosives. It would strengthen our hand in the proliferation field, and our decision will not affect France adversely. The fuel cycle meeting will be on October 21.

*The Prime Minister* said that the French position was decided in their nuclear council by Giscard last October, and in December we knew about it; Giscard talked about it clearly. France appreciated the discussions to prepare the evaluation program. But they have some conditions. First, there should be useful discussions with the Soviet

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<sup>1</sup> Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Box 12, France: 1977. Secret; Sensitive. The meeting took place in the Cabinet Room.

Union. Second, the study should be more at the level of experts than an “integral” conference. That is, not governments—they have already talked about it.

Third is this: there is a need to keep up freedom of supply, to all countries, for specific purposes. Therefore, renewing the EURATOM-Canadian agreement would be useful.<sup>2</sup>

There are long-term problems. France is against the military uses of atomic energy. It will take all measures to avoid proliferation. If it works on breeders, it is because energy progress is essential: they have no coal, oil, or gas. They are the fourth largest importer (of oil?) in the world. They cannot maintain the correct working of their economy without energy progress: including new forms of energy, breeders, and reactors for electricity. They will take all measures to avoid diversion to military uses.

*The Foreign Minister* said that when the fuel cycle program next meets in Washington, it will be a governmental meeting, to evaluate progress. After that experts should meet, in different groups, with different ideas—such as waste products, breeders, etc. They would like one group in Paris: reprocessing. (Both *the President and Secretary Vance* said “uh huh.”)

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>2</sup> Canada and EURATOM signed an agreement similar to that of the U.S.-EURATOM agreement on October 6, 1959.

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### 356. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, undated

SUBJECT

French Proliferation Policy

Ambassador Hartman, Farley, Nye, and NSC staff met this morning to discuss the important issues raised yesterday by the French on

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Box 12, France: 1977. Secret. Hunter initialed the memorandum for Brzezinski. Carter initialed the upper right-hand corner of the memorandum.

nuclear matters: (1) concerning their new conditions for participation in INFCE; and (2) the news, conveyed by cable, that they are trying to use INFCE as a means to disband the London Suppliers Group arguing that INFCE makes the London Group redundant. This is particularly disturbing because we believe that we are close to finally achieving a consensus in London on *full-scope safeguards*—one of our top proliferation goals. The consensus of all those at this meeting was that if time permits today, it would be very important if you could raise the following points with Barre:

—I'd like to just take a minute to return to the questions you raised yesterday on the subject of nuclear proliferation.

—We are pleased that we can *reiterate* the three assurances you raised on the subject of French participation in INFCE.

- We understand the *Soviets* will participate.
- We are agreed that the purpose of INFCE is to work out at the *expert level* a new consensus on the nuclear fuel cycle.
- Thirdly, as Ambassador Smith said in Paris, we can agree with you that INFCE should not be used to *prejudge* other nuclear issues including those of *nuclear supply*.

—In this regard, let me also say that we believe that INFCE is not a reason to curtail our fruitful cooperation in the *London Suppliers Group* where there is still useful work to be done. In particular, I hope your government will look again at some formula by which we can reach agreement on *comprehensive safeguards*.<sup>2</sup>

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<sup>2</sup> In their final meeting on September 16, Carter told Barre that the United States “will not prejudge issues. We also do not consider the study to be a substitute for the London Suppliers’ Group.” (Memorandum of Conversation, September 16; *ibid.*)

357. Memorandum of Conversation<sup>1</sup>

Washington, September 16, 1977

## PARTICIPANTS

## US

The Secretary  
 Under Secretary Philip Habib  
 Ambassador Arthur A. Hartman  
 Assistant Secretary George S. Vest  
 James F. Dobbins, EUR/WE  
 (Notetaker)

## FRANCE

Louis de Guiringaud  
 Foreign Minister  
 Francois de Laboulaye  
 Political Director

*Pakistan and Non-Proliferation*

De Guiringaud related that, in a meeting on September 8 with Pakistani Foreign Minister Aga Shahi, he had told Aga Shahi that France had a contract to furnish Pakistan with a plant which was capable of reprocessing used nuclear fuel in a manner that would enable it to be used again to fuel reactors. He had then proposed to have plans for this plant restructured, along the lines de Guiringaud had earlier discussed with Ambassador Hartman. De Guiringaud told Aga Shahi that the French government would, in due course, open conversations with Pakistan to rewrite certain parts of the agreement.

Aga Shahi had been very surprised, de Guiringaud said. De Guiringaud had been forced to endure an hour-long series of complaints about discrimination against Pakistan, vis-a-vis India, in the nuclear field. Aga Shahi had talked about the Canadian and US assistance to India in the nuclear field, including assistance on breeder technology. He claimed that India had been able to become a nuclear power as a result of such assistance. He had insisted that Pakistan must receive treatment comparable to that given India. Something must be done for Pakistan or assistance to India must be cut back.

De Guiringaud said that he had, as a result of this conversation, initiated a study of France's nuclear relationship with India. The Secretary said that he would have a paper prepared for de Guiringaud outlining the current state of the US nuclear relationship with India. He said that the United States had agreed to provide a certain amount of fuel for the Tarapur reactor. The United States had also talked to India about the need to accept full-scope safeguards. The Indians had agreed to consider this seriously. Habib added that there had been some gen-

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, NODIS Memcons, 1977. Secret; Nodis. Approved by David Anderson (S/S) on October 11. The meeting took place in Vance's office.

eral discussion on this issue with Desai who had indicated that the Indians would not conduct further nuclear tests. The Secretary said that Desai personally had been clear on this, and that he rejected testing. De Guiringaud noted, however, that not all of Desai's subordinates were in agreement with his position, nor was Desai necessarily capable of controlling these people.

De Guiringaud said that Aga Shahi had asked, during the period before the Pakistani elections, that the French government not do anything to give the impression that the contract was not going forward without change. De Guiringaud had agreed to this request. He agreed that if it became known that pressure was being applied on Pakistan this would become an election issue which Bhutto might well make use of. (De Guiringaud also said that Aga Shahi had conveyed a clear impression that he felt that some of the charges against Bhutto, including one of murder, were not without substance.)

De Guiringaud asked that the contents of this conversation with Aga Shahi be kept absolutely confidential. The Secretary promised to do so.

De Guiringaud recalled that Ambassador Hartman had asked whether there had been any transfers from France of equipment for the Pakistani reprocessing plant after August 4. He said that the French government had last authorized transfers of such equipment on July 16. Such authorizations were valid for six months, and there was no way of determining within that period when items authorized were shipped.

The Secretary expressed the hope that the French government would continue to consider agreeing to full-scope safeguards at the London Suppliers Meeting. De Guiringaud replied that this issue had come before France's Foreign Nuclear Policy Council, but no decision had been made to date. There would, he said, be another meeting of the Council at the end of September. He assured the Secretary that the French government was aware of US concerns in this matter.

De Guiringaud inquired about the status of the Brazil/German reprocessing contract. The Secretary replied that the US position had not changed. The US had indicated to Brazil that it wished to continue to discuss this matter. President Carter would be sending a letter to Brazilian President Geisel in the near future. In his letter he would suggest follow-up discussions. The Secretary said he would be going to Brazil the end of October to meet the Foreign Minister.

De Guiringaud asked whether the US was also working with Argentina. Vance said it was. He had spoken to the Argentine Foreign Minister and would be visiting there when he visited Brazil. The Argentines had explained their need for nuclear power but seemed quite cooperative.

De Guiringaud asked whether the US was aware that Germany had concluded an agreement to supply Brazil with conventional arms. The Secretary said he was not, but would check. De Guiringaud also raised the activities of the German company which was constructing a missile test site in southeastern Zaire. He asked whether the US had any information on the range of these missiles. The Secretary said that he would check and provide the French government with what information was available. De Laboulaye noted the coincidence between the location of the German test site and the area of the recent problems in Shaba.

[Omitted here is discussion unrelated to non-proliferation.]

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**358. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, October 7, 1977

SUBJECT

Nuclear Fuel Assurances

Your April 7 statement on nuclear proliferation policy<sup>2</sup> identified

- *assured access to nuclear fuel supplies*
- *assistance with spent fuel storage*

as the key areas in which the US would develop programs to encourage other nations to adhere to our new, rigorous, non-proliferation policies. Such incentives will be particularly important in the many cases where we will be asking other nations to *renegotiate* existing Agreements for Cooperation to meet our new standards.

You have already approved a program for spent fuel storage.<sup>3</sup> This memorandum asks for your approval of several measures to provide assured access to fuel supplies. These measures have been developed during a lengthy interagency study (Tab B)<sup>4</sup> by the NSC Ad Hoc Group on Proliferation (hereinafter, "the Group"). This paper *substitutes* for a

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 4, PD-08 [4]. Confidential. Sent for action. In the upper right-hand corner of the memorandum, Brzezinski wrote "RI [Rick Inderfurth] JT [Jessica Tuchman]. Implement. ZB."

<sup>2</sup> See footnote 3, Document 338.

<sup>3</sup> Not found.

<sup>4</sup> Attached but not printed.



longer decision memorandum (Tab A)<sup>5</sup> submitted by the Group which you need *not* read. In general, the recommendations have the support of *all* members of the Group (State, ERDA, DOD, ACDA, NRC, CIA, CEQ, FEA, EPA, OSTP, Schlesinger, Eizenstat, OMB and NSC) except where important differences are noted.

Assured access to nuclear fuel has two distinct components:

- access to uranium ore
- access to enrichment services

To be fully satisfactory to recipients, a program must provide access to *both* of these on a *timely* basis, in *adequate* quantity, and in a fully *reliable* manner. Your decisions on the following measures will be provided as guidance to the agencies:

1. *Parity pricing and non-discriminatory terms in US fuel supply contracts for nations meeting non-proliferation standards.* The Group recommends that you approve a policy under which nations that meet our higher standards—as embodied in new or amended Agreements for Cooperation—would receive nuclear fuel at the same price and under the same conditions as domestic customers. Such parity pricing and non-discriminatory terms will assure foreign customers of the importance we attach both to non-proliferation and to ensuring that legitimate energy needs are met. The Group believes that a standard of pricing that differentiates between domestic and foreign customers would undermine our efforts to achieve parallel policies among all fuel supplier nations.<sup>6</sup>

2. *Contribution to International Uranium Resource Exploration.* Perhaps the most critical issue in the plutonium/breeder debate is whether there is enough uranium to supply the world's needs through the fission age without the necessity of recourse to the breeder. The US has recently stepped up its own uranium resource evaluation program, and has encouraged the international community to do likewise. The International Energy Agency (IEA) is currently doing paper studies preparatory to actual field exploration of international uranium reserves. The Group recommends that you authorize it to prepare options to provide increased US technical and financial assistance in support of the IEA's activities.<sup>7</sup>

3. *Explore the Possibilities of Foreign Investment in US Enrichment Plants.* Even under the most attractive terms, foreign countries hesitate to place their reliance in a fuel supply contract, since the supplier has

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<sup>5</sup> Attached but not printed.

<sup>6</sup> Carter checked the "Approve" option and in the right-hand margin wrote "Prices should equal costs. Do they? J"

<sup>7</sup> Carter checked the "Approve" option and in the right-hand margin wrote "J."

full control over its implementation, and could, under unforeseen circumstances cut off their fuel supply. One way to alleviate these fears would be to offer foreign nations part ownership in new US enrichment plants under terms which would guarantee their access to some of the plant's output. For our part, we would insist on terms that would assure our control of plant operations, and fully protect classified data and technology. Such an investment plan could reduce foreign incentives to construct their own enrichment facilities, and could establish a basis for truly multinational fuel cycle cooperation. The Group requests your authorization to undertake ad referendum discussions with other nations to explore the prospects for such investment arrangements. Any resultant proposals would be submitted for approval.<sup>8</sup>

4. *Discussions of Possible Multilateral Programs with Other Uranium and Enrichment Suppliers.* Eventually, multilateral programs of assured fuel supply, would be preferable to bilateral ones, since they would ensure that proliferation goals were not undercut by commercial competition among suppliers, and because the US cannot expect to meet all foreign needs on its own. Accordingly, the Group requests your authorization of discussions and preliminary negotiations with other uranium producers, and enrichment service suppliers to explore: (1) *the establishment of a secure uranium supply base*, through various measures including possible guarantees by uranium producers; (2) *a variety of possible investment arrangements* between the US and others, including unilateral, cross-investment and barter plans; and (3) *the establishment of multilateral pooling or collective guarantee arrangements* involving joint planning, fuel sharing and back-up arrangements among suppliers. All of these arrangements would only be offered to nations which are supportive of our non-proliferation goals. In all cases, these discussions will be exploratory<sup>9</sup>—no commitments will be made without your prior approval.<sup>10</sup>

5. *Internationally Owned Fuel Supply—The Fuel Bank.* Over the long term, the ultimate in fuel dependability would be provided by an arrangement in which nuclear fuel supply is owned and sold by an *international* entity—as opposed to *nationally* owned resources subject to multilateral guarantees or management. One possibility is an international fuel bank. Such a bank would own supplies of *both* uranium and enrichment capacity (as measured in SWUs, Separative Work Units) and any nation which adhered to certain non-proliferation standards

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<sup>8</sup> Carter checked the "Approve" option and in the right-hand margin wrote "explore idea only. J."

<sup>9</sup> Carter underlined the word "exploratory" in this paragraph.

<sup>10</sup> Carter checked the "Approve" option and in the right-hand margin wrote "J."

would be eligible to participate. The purpose of such an arrangement would be that the bank acts as an insurance policy, protecting customers from arbitrary political actions by suppliers. There is a great deal of Congressional interest in this idea, and our preliminary investigation concludes that it has significant merit.

*All agencies except* OMB and the NRC recommend that you authorize consultations with other countries and international agencies on the desirability and feasibility of such a fuel bank, including an indication of our willingness to make a contribution of enriched fuel from the US stockpile (subject to a determination that DOD's stockpile requirements will not be adversely affected). We would indicate that, if satisfactory arrangements were made, the US would be prepared to make an initial contribution sufficient for ten large reactors for five years (or 5 million SWU), and that we would work with other uranium producers to provide uranium supplies for the bank.<sup>11</sup> *OMB and NRC* on the other hand, believe that more analysis is needed before any specific indication is made of the size of the potential US contribution.<sup>12</sup>

There is virtue in both positions. Further analysis of the idea is clearly needed, but I believe that we would learn a great deal from consultations with others that would contribute to such an analysis. I see no harm in proceeding with consultations in which we would indicate that we are prepared to make a "substantial" contribution—without mentioning any number which could be taken as an implied commitment. I therefore recommend that you authorize talks along these lines, and a subsequent analysis to be submitted for your decision.<sup>13</sup>

Alternatively that 5 million SWUs be mentioned as the possible contribution.

Alternatively that no mention be made of the size of a possible US contribution.

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<sup>11</sup> In the left-hand margin next to this paragraph, Carter wrote "100,000/reactor."

<sup>12</sup> OMB explanation of their position is at Tab C. [Footnote is in the original. Tab C is attached but not printed.]

<sup>13</sup> Carter checked the "Approve" option and in the right-hand margin wrote "J."

### 359. Telegram From the Mission to the United Nations to the Department of State<sup>1</sup>

Washington, November 7, 1977, 2129Z

4402. USIAEA. Subject: 32nd UNGA: Non-proliferation—Visit of Deputy Under Secretary Nye to USUN. Ref: USUN 4350.<sup>2</sup>

1. Summary: In Nov 3 visit to USUN, Deputy Under Secretary Nye met with 19 representatives, mainly from developing countries to describe our non-proliferation objectives and review purpose and goals of the INFCE conference. In addition, he discussed the draft res on "Peaceful Uses of Nuclear Energy for Economic and Social Development" in bilaterals with Yugoslavs and Pakistanis (Reftel, paras 4–7). Mission and Disarmament Del believed Nye visit was timely and valuable, enabling us to explain our policy in greater depth to UN Dels and also providing opportunity for them to express their concerns and aspirations directly to Nye. Comment by participating Delegations has been uniformly favorable. End summary.

2. In afternoon session at US Mission, Nye presented a summary of US non-proliferation policy to 19 UN Delegations including a question and answer period. The following states attended: Algeria, Australia, Argentina, Bahamas, Brazil, Ethiopia, Indonesia, Iran, Malaysia, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Sri Lanka, Singapore, Sweden, Venezuela and Yugoslavia.

3. Nye briefly outlined the origins and general philosophy of our non-proliferation policy, emphasizing our concerns to maintain an appropriate balance between the objectives of non-proliferation and access to nuclear materials and technology for peaceful purposes in developing countries, and the complexities created by the emergence of new nuclear technologies since the 1950's. The Carter administration, he said, was committed to stopping both vertical and horizontal proliferation. He outlined the purpose and goals of the INFCE conference: Indicated our interest in opening up the London Suppliers Club to other participants.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770431–0609. Confidential. Sent for information to the Mission in Geneva and Vienna.

<sup>2</sup> Telegram 4350 from USUN, November 4, reported that Non-Aligned countries planned to introduce two resolutions in the UN General Assembly. The first would amend a Malaysian, West German, and Czechoslovakian draft resolution "inviting IAEA to increase the representation of developing countries on its board of governors." The second would "table Yugoslav/Pakistani draft resolution (with additional co-sponsors) 'on the peaceful use of nuclear energy for economic and social development.' After statements by 10–12 countries, consideration of both resolutions will be deferred pending further consultations and negotiations." (National Archives, RG 59, Central Foreign Policy File, D770406–0432)

4. Nye also stressed the importance of balanced UNGA resolutions on peaceful uses of nuclear energy, noting that the Congress and US public opinion could be expected to react adversely to virtually unqualified UN endorsement of transfer of nuclear technology to developing countries. A major US objective at INFCE was to develop new safeguardable technologies which would be both proliferation-resistant and economical. UN actions and decisions should be closely coordinated, he said, with the INFCE and IAEA work in this field.

5. The questions, asked mainly by the reps from Argentina, Brazil, Pakistan, and Yugoslavia, reflected many of the concerns raised in the first committee by the developing countries. They included the following: (A) Why has the London Club not been opened to recipients and what will happen to it during the INFCE? (B) Are the developing countries expected to postpone their nuclear programs based on old technologies pending the outcome of the INFCE? (C) How long will it take to develop and prove the new technologies? (D) What will be the implication of these new technologies for our commitment to nuclear disarmament? (E) Is the US prepared to consider stopping its R&D for weapons development, or is it only asking NNWS to accept more stringent safeguards while going ahead with its own program? (F) If a CTB is attained, will nuclear safeguards apply to nuclear weapons states as well as to nonnuclear weapon states? (G) Will comprehensive safeguards in the US be retrospective or applied only to new facilities?

6. At the end of the one and one-half-hour program, Argentina Perm-Rep Ortiz de Rozas expressed on behalf of the group appreciation to Nye and his hope that the Carter administration would indeed move ahead in positive spirit to finding viable answers acceptable to both developing and developed countries in reconciling the objectives of non-proliferation and energy for development.

7. In the late afternoon Nye met separately with Yugoslav and Pakistani UN Dels to discuss the non-aligned draft resolution on "The Peaceful Uses of Nuclear Energy for Economic and Social Development". While indicating US readiness to seek to work out an acceptable text he highlighted our difficulties with the latest version. He emphasized our concern that only safeguardable nuclear technologies should be transferred to developing countries as well as our doubts about a UN conference (Reftel).

8. We believe Nye visit provided timely and useful opportunity for US to restate and clarify our non-proliferation objectives to a number of important UN Delegations. Moreover, we believe that Nye was able to convey our concerns to Yugoslavia and Pakistan in constructive spirit while highlighting the implications for their own interests in an unbalanced UNGA resolution. The Mission and Disarmament Del expressed their appreciation to Nye for his efforts.

### 360. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>

Geneva, December 19, 1977, 1016Z

12375. USEEC USIAEA. Subject: Consultations With the Soviets on EURATOM/IAEA Agreement and Other Matters. Ref: Geneva 12348 (Notal).<sup>2</sup>

1. In view of Morokhov's responsibilities in non-proliferation area, Amb Warnke took opportunity of Morokhov's presence in Geneva for CTB negotiations to raise question of Soviet adherence to Protocol II of Treaty of Tlatelolco at a bilateral meeting Dec 15 (reported Reftel). After concluding discussion of Tlatelolco, Morokhov delivered a lengthy complaint about EURATOM resistance to IAEA safeguards,<sup>3</sup> about the light water reactor safeguards situation,<sup>4</sup> about lack of coordination between US and USSR Missions in Vienna, and about management of the IAEA safeguards department, particularly role of IAEA Deputy Director Rometsch. Text of Morokhov comments (which were handed over as a Non-Paper)<sup>5</sup> being hand-carried to department by Boright.

2. In a separate evening session with Belov and Kalinkin, Boright (US) described in detail US reasoning on the LWR compromise and on importance of other safeguards issues, and noted complexity of safeguards issues and need for some flexibility. Soviets were apparently receptive to these arguments, and appreciative of reassurances as to US desire for continued consultations.

3. At subsequent bilateral meeting with Soviets Dec 16, Morokhov expressed satisfaction with discussions of previous day, calling them useful and timely. He appreciated that US and USSR both attach excep-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770471-1027. Confidential; Priority. Sent for information Priority to Moscow, Vienna, and Brussels. On December 15, the Department of State had instructed the Mission in Geneva to sound out Morokhov about the Soviet position on safeguards on nuclear power reactors. (Telegram 298736 to the Mission in Geneva; National Archives, RG 59, Central Foreign Policy File, D770466-0182)

<sup>2</sup> See Document 428.

<sup>3</sup> Telegram 8369 from the Mission in Vienna, September 15, reported that the Soviets had criticized EURATOM's "failure to bring into force safeguards agreement with IAEA." The Soviets also worried that "safeguards evaluation section be given resources and authority sufficient to carry out its task." (National Archives, RG 59, Central Foreign Policy File, D770335-0485)

<sup>4</sup> Telegram 10069 from Vienna, November 18, reported that the Soviets "have put strong pressure on Agency to be less flexible regarding acceptance of validity of cassettes" of the surveillance equipment on each light-water reactor "brought out by EURATOM inspectors alone." (National Archives, RG 59, Central Foreign Policy File, D770429-0808)

<sup>5</sup> Not found.

tionally great importance to nuclear non-proliferation and are aware that further joint actions, both in IAEA and elsewhere, are essential.

4. On EURATOM, Morokhov said that, during Dec 15 discussions, two sides had reached the understanding that it is necessary to work out stringent verification provisions in complete accordance with model IAEA safeguards agreement. Both sides also concluded that it is necessary for IAEA–EURATOM agreement to be implemented in very near future because large number of materials and facilities, including sensitive ones, are involved.

5. He said Soviets were willing to hold consultations with US Mission on number of technical questions related to application of safeguards to light water reactors and to chemical reprocessing plants. Appropriate instructions would be given to Soviet IAEA Mission, and he expected US Mission to receive instructions as well. Soviet side was prepared to discuss jointly the measures which must be taken by board of governors, but this must be done very soon, so that board can adopt appropriate recommendations in February.

6. Warnke said that we agreed entirely with the Soviet side on the importance of IAEA safeguards. We further agreed on the central importance of independent verification by the IAEA, and we believed this should apply in EURATOM as elsewhere. Warnke continued that we were generally in agreement with Soviet view that the IAEA inspectorate staff should be increased, and evaluation functions strengthened. We were aware that management of the safeguards department had not always been optimal, but this was due to many factors, and not to a single individual. He agreed on importance of post of Deputy Director General, and said we should think carefully and well in advance about a proper replacement when Mr. Rometsch leaves the agency.

7. With regard to light water reactor safeguards, Warnke maintained that the compromise proposal under consideration would allow the IAEA to do its basic independent verification with an acceptable three month timeliness of verification. We hoped that the Soviet side would not take a rigid position on this point, since that could delay agreement unnecessarily and endanger more important safeguards issues.

8. Warnke added that we regarded safeguards principles for sensitive facilities to be very important. On this matter, EURATOM had accepted the agency's proposal for continuous inspection. We should consider how the board might provide some guidance on timeliness of detection for such facilities.

9. Warnke concluded that, in view of shared objectives on non-proliferation matters, US and USSR should work closely together in that field, and he agreed that our IAEA missions should consult on safeguards and other matters.

**Warnke**

### 361. Memorandum of Conversation<sup>1</sup>

January 5, 1978, 2:00–4:30 p.m.

#### SUBJECT

Summary of the President's Meeting with French President Valéry Giscard d'Estaing

#### PARTICIPANTS

President Jimmy Carter  
 Secretary of State Cyrus Vance  
 Dr. Zbigniew Brzezinski, Assistant to the President for National Security Affairs  
 Ambassador Arthur A. Hartman, U.S. Ambassador to France (Notetaker)  
 President Valéry Giscard d'Estaing  
 Foreign Minister Louis de Guiringaud  
 Secretary General Jean Francois-Poncet  
 Ambassador Francois de Laboulaye, French Ambassador to the United States

[Omitted here is discussion unrelated to non-proliferation.]

#### *Non-Proliferation*

*President Giscard* said that he was making progress in the development of his views on this subject and he hoped that we could exchange views from time to time on the problem. He welcomed the INFCE study and hoped that there would be no modification of supply policies by the United States and Canada during the period of the study.

*The President* commented that, in his discussions with the Indians, Desai had said that he could not accept full scope safeguards.<sup>2</sup> The President explained to him that Congress might soon pass a law which would prevent us from shipping any nuclear material to any country which does not accept such safeguards. The President said he asked Desai that, if we and the Soviets should sign a CTB agreement, could India then accept the same kind of safeguards as non-nuclear powers such as Germany, Canada and Japan have accepted? Desai thought that this would be reasonable. The President went on to say that, while he understood there were some technical problems, he was anxious for France to accede to the Protocol to the Treaty of Tlatelolco which provides for a nuclear free zone in Latin America. He said that Argentina now agrees to accede. He said that we understand that France has a problem because certain of the French Departments are in the area and

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 35, Presidential MemCons, 1/78. Secret; Sensitive. The meeting took place entrained between Bayeux and Paris. The memorandum is scheduled to be printed in full in *Foreign Relations*, 1977–1980, vol. XXVII, Western Europe.

<sup>2</sup> See *Foreign Relations*, 1977–1980, vol. XIX, South Asia.



we had in effect to face the same problem with Puerto Rico. He said that transitting nuclear material was still permitted according to our interpretation but *de Guiringaud* said that under certain circumstances he understood that that interpretation could be changed and this would present a problem for France.

*President Giscard* said that he would not authorize the shipment of sensitive material to Pakistan but that this matter presented great difficulties for him internally. The Pakistanis are pressing for deliveries under the contract and he wished to avoid any explanation of this problem at the present time. He recalled that an offer had been made to the Pakistanis to build a different kind of plant which would involve only co-processing and that these discussions were in effect continuing. He said that if he was asked if this problem had been discussed with us he would say no.

*The President* said that it appeared Desai had been informed of this French position and *President Giscard* confirmed that this was the case.

*The President* also reported that Brazil was now having second thoughts about its reprocessing plant which they now saw as too expensive and perhaps not very effective. He said that this was a real turning point and we should take advantage of it.

The meeting ended at 4:30 p.m.

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**362. Letter From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, January 13, 1978

Dear Zbig:

I believe it is essential that the President approve these shipments of highly-enriched uranium to Europe quickly. All of these cases represent US commitments to existing projects. They are not new commitments which our policy seeks to avoid. As you know, the Europeans are extremely sensitive to any signs that the US is using its nuclear fuel as pressure to achieve US objectives in INFCE or to force them to renegotiate the US–EURATOM Agreement. While I have tried to assure the

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 4, PD–08 [4]. Confidential.

French and others that this is not the case, the Europeans read the already long delay associated with HEU approvals (none since last May) as US pressure tactics. Our non-proliferation efforts, as well as our overall political relationships with alliance countries, would be best served by prompt approval.

The Romanian case is also significant in view of our efforts to improve relations with Eastern Europe. In my view the proliferation risk here is negligible. Also, this case involves a firm US commitment.

Sincerely,

**Gerard Smith<sup>2</sup>**

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<sup>2</sup> Smith signed the memorandum "Gerry Smith."

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### **363. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, February 3, 1978, 1853Z

1680. Pass to DOE. Brussels for EC. Subject: Soviet Non-Paper on IAEA Matters February 3.

1. At Soviet request, Ambassador Warnke met with Soviet CTB Rep Morokhov on Feb 3 for a follow-up discussion of the IAEA and non-proliferation issues which had been raised during similar Morokhov-Warnke conversations in December.<sup>2</sup> Non-Paper read by Morokhov on instructions urged following actions:

A. Appropriate steps by U.S. to ensure a favorable decision by Feb 7 EC-9 Council of Ministers on issue of inspections of light-water power reactors in EURATOM countries, in light of efforts by certain EURATOM countries, particularly the FRG, to revise present compromise proposal.

B. Coordinated action by U.S. and Soviet missions in Vienna to ensure implementation of effective IAEA safeguards, in particular continuous inspection, of reprocessing and enrichment facilities in

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780052-0795. Secret; Priority. Sent for information Priority to Vienna and Moscow. Sent for information to Brussels and Bonn.

<sup>2</sup> See Document 360.

EURATOM countries, and to bring about a radical increase in the effectiveness of IAEA safeguards.

C. U.S. support for candidacy of Jeniken (Canada) to replace retiring Deputy Director General for safeguards Romech. (Text of Non-Paper is given para 4 below.)

2. Turning to separate issue, Morokhov urged that U.S. and USSR exchange views and act jointly to ensure the adoption as a guideline by the next meeting of nuclear exporters of the principle of full-scope safeguards in recipient States. (Text of Morokhov's remarks on full-scope safeguards to be supplied).

3. Action requested: Instructions regarding reply, if any, that should be given to Soviets here.

4. Following is text of Soviet Non-Paper given Feb 3:

Begin text: We should like, first of all, to note with satisfaction that the meeting we held last December at which we discussed a wide range of questions related to the prevention of the proliferation of nuclear weapons and to the activities of the International Atomic Energy Agency in the implementation of non-proliferation safeguards was most useful. That meeting showed that our countries act essentially in an agreed manner on questions of non-proliferation of nuclear weapons, including issues pertaining to practical implementation of IAEA safeguards. The time elapsed since that meeting has shown that our Missions in Vienna have begun to cooperate more, and they have been able to influence the leadership of the Secretariat of IAEA in the proper direction. As a result of joint efforts, it has become possible to ensure that the leadership of the IAEA at present is taking what is, on the whole, a correct position.

At the same time, despite the work which has been done, we have not succeeded in solving one of the principal issues of IAEA safeguard activities, namely, the issue of application of IAEA safeguards to the nuclear activities of the Non-Nuclear Member States of EURATOM. As you recall, one of the questions that we discussed was the question of application of IAEA safeguards to light water power reactors in the EURATOM countries. At that time we agreed on joint measures to properly influence resolution of this question. The Soviet Union in particular supported the US compromise proposal for carrying out inspections of this type of facility four times a year. The Delegation of EURATOM which recently held talks with the IAEA secretariat on this subject has, in principle, accepted this compromise proposal. However, according to the information available to the IAEA secretariat, some EURATOM countries, above all the FRG, are attempting to revise that agreement. It is expected that the council of ministers of the European Community will make a final decision on this question at its meeting February 7. Under these circumstances it is urgently necessary, in our

view, to exert appropriate influence in order to ensure the adoption of the needed decision by the Council of Ministers of the European Community. We hope that the U.S. side will take the necessary steps in this matter.

We believe it necessary to call to the attention of the U.S. side the fact that, along with resolution of matters pertaining to ensuring adequate safeguards for light water reactors in the EURATOM countries, it is necessary to seek the earliest resolution of the question of implementation of effective IAEA safeguards for other nuclear facilities, above all for nuclear fuel processing plants. At present, the main principle concerning implementation of safeguards on these facilities, that is, the principle of continuous inspection, has been preliminarily agreed. Representatives of EURATOM, while formally supporting this principle, are in effect working toward undermining it in developing the practical provisions. Resolution of this question calls for adoption of effective agreed measures. In this connection we would deem it advisable for our Missions in Vienna to give highest priority to the solution of this matter.

As before, the question of a radical increase in the effectiveness of IAEA safeguards remains unresolved. The measures taken by the Secretariat upon the recommendations of the USSR and U.S. have not brought the necessary results.<sup>3</sup> As yet, work on evaluating the effectiveness of safeguards has not been properly organized. This task also requires agreed action by our Missions in Vienna.

In this connection we should again like to call the attention of the U.S. side to the need to replace Deputy Director General for Safeguards Romech. As a result of our consultations, a decision was made to the effect that Romech would leave his post in May of this year. The question of choosing a candidate for this post now arises. As you know, we supported the nomination of Jenikens, a Canadian, who, as we understand it, is also supported by the U.S. our Missions in Vienna would now be well advised to work without delay in support of this candidate. End text.

**Warnke**

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<sup>3</sup> See footnote 3, Document 360. Telegram 10676 from Vienna, December 14, also reported that "responding to U.S. initiatives, IAEA Secretariat is trying to implement more stringent non-proliferation safeguards measures" but noted that the Secretariat "anticipates considerable difficulty in achieving this upgrading in view of opposition by EURATOM and certain important governments and need for Board of Governors to provide necessary manpower and other resource approvals." (National Archives, RG 59, Central Foreign Policy File, D770465-1102)

**364. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, February 26, 1978

## SUBJECT

Non-Proliferation Policy Progress Report

The following non-proliferation progress report covers the period since your speech last October before the organizing conference of the International Nuclear Fuel Cycle Evaluation (INFCE).<sup>2</sup>

*Where Are We After the First Year?*

Your non-proliferation policy has challenged the conventional wisdom surrounding the nuclear fuel cycle and progress has been made towards key objectives. International attention to the proliferation risk of sensitive nuclear technologies has increased. A more cooperative assessment of the problems is underway. Opposition remains and tensions with some nations persist, but our intentions and actions are better understood, received with less suspicion and have greater credibility.

The London Nuclear Suppliers Group Guidelines were published in early January, publicly establishing minimum conditions for nuclear technology exports to which all Suppliers have agreed.<sup>3</sup> By submitting them to the IAEA and publishing them we reduced institutional tensions between the Suppliers Group and the IAEA.

Following your opening of the INFCE, its constituent working groups have begun substantive work. The polemics we feared could hamper the Evaluation's progress have been minor and a number of nations see real value in such a comprehensive examination of the nuclear fuel cycle. It will take time but our purpose is to develop a consensus, not to solve immediate problems.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 123, Vance, Miscellaneous Communications With: 3–5/78. Secret. In the upper right-hand corner of the memorandum, Carter wrote "Good report. J."

<sup>2</sup> On October 19, 1977, Carter told the INFCE Conference that the United States was "eager to cooperate as a nation which is a consumer and also as a supplier. We want to ensure that where there is a legitimate need and where there's mutually agreed upon nonproliferation restraint, that there be an adequate supply of nuclear fuel." (*Public Papers: Carter, 1977*, pp. 1812–1814)

<sup>3</sup> The updated Guidelines applied to nuclear transfers for peaceful purposes to help ensure that such transfers would not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities. (*Documents on Disarmament, 1978*, pp. 7–25)

The French decision to seek to amend the reprocessing plant contract with Pakistan moves France somewhat closer to your policy, but we are still uncertain about the firmness of the decision and the type of modifications the French are proposing. The FRG agreement to export to Brazil a complete fuel cycle remains essentially intact, but the size of the enrichment facility reportedly will be reduced, and there appears to be some dissension in the Brazilian nuclear community concerning the technological and economic value of the deal.

Your visit to India,<sup>4</sup> while it did not lead to Indian acceptance of full-scope safeguards, reinforced the dialogue and underscored for Prime Minister Desai the importance you attach to non-proliferation measures. In Iran, your talks with the Shah<sup>5</sup> resulted in agreement in principle on the terms for a new Agreement for Cooperation, but differences of interpretation of the agreement in principle still exist.

The new Non-Proliferation legislation<sup>6</sup> tightens criteria for nuclear cooperation but does not call for moratoria on exports. Likewise, the Administration's conditions for new highly enriched uranium (HEU) exports<sup>7</sup> are stringent, but exports under existing agreements are not embargoed.

It is increasingly evident abroad that the United States has a long-term commitment to a stronger international nuclear community based upon a viable non-proliferation regime. We must recognize, however, that while we have sensitized the international community to the dangers of proliferation, we remain essentially isolated (with Canada and Australia) among the major industrialized states in questioning the inevitability of moving toward reprocessing and early commercialization of breeder technology. The prevailing attitude remains that non-proliferation goals can be pursued without conflict with perceived nuclear energy needs if reliance is placed on political and safeguards arrangements rather than limits on technology. The success of our policy will depend to a great extent on our ability to reconcile these differences. Cooperation towards this end is increasing. Our objectives will not be reached quickly but the strategy is sound.

Specific progress in key areas of the policy is outlined in the attachment.

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<sup>4</sup> Carter visited India January 1-3.

<sup>5</sup> Carter visited Iran December 31, 1977-January 1, 1978.

<sup>6</sup> The Carter administration submitted the Nuclear Non-Proliferation Act to Congress in January. Carter signed it into law on March 10, 1978.

<sup>7</sup> The Carter administration established the Reduced Enrichment for Research and Test Reactors (RERTR) Program in 1977 to develop the technical means to use Low-Enriched Uranium (LEU) instead of HEU in research reactors, while ensuring no significant loss of performance.

## Attachment

### Paper Prepared in the Department of State<sup>8</sup>

Washington, undated

#### *Non-Proliferation Progress*

##### *1. Safeguards*

The Nuclear Suppliers Group Guidelines set important minimum standards requiring safeguards on all transferred and by-product nuclear exports. The new legislation retains the provision you called for last April<sup>9</sup> which would require full-scope safeguards in all new and existing agreements, allowing an 18-month negotiation period for existing agreements.

Only six non-nuclear weapons states are known to have unsafe-guarded nuclear facilities—Spain, Egypt, Israel, Argentina, South Africa and India. We expect to begin renegotiation shortly of our agreement for cooperation with Spain. Egypt has indicated its willingness to accept full-scope safeguards if Israel is held to the same standard. We are exploring ways of providing such assurances. Argentina has indicated some willingness to accept full-scope safeguards in return for fuller nuclear cooperation. A technical team is traveling to Pretoria this month to begin talks on how the Valindaba enrichment plant could be brought under safeguards. The political sensitivity of our overall nuclear relationship with South Africa is aggravated by continuing uncertainties [*1 line not declassified*] We will also have problems convincing South Africa that safeguards on Valindaba will not expose proprietary commercial information.

Your visit to India extended the rapport with the Indians, and PM Desai declared India's willingness to accept full-scope safeguards if a Comprehensive Test Ban (CTB) were concluded and if the nuclear weapons states were to dedicate themselves to stopping "vertical" proliferation by halting the production of nuclear weapons and reducing their nuclear stockpiles. We are exploring ways to ensure that the Indians do not define these conditions in ways that would be impossible for us to meet.

We have begun a program to renegotiate old agreements and negotiate new ones that incorporate the newly legislated criteria. In renegotiating the EURATOM agreement we face serious political and legal problems on issues other than safeguards, and these could affect our

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<sup>8</sup> Secret.

<sup>9</sup> See footnote 3, Document 338.

other negotiations. Sensitive political problems remain to be solved in South Africa and Argentina, but we will continue a dialogue aimed at getting safeguards on all of their facilities.

## 2. *Restraints on Sensitive Transfers*

The informal assurances we received from the Germans and the French of a *de facto* moratorium on new agreements to transfer reprocessing facilities bolster the Guidelines, which call for restraint in export of sensitive technology. Efforts to extend restraints retroactively to the FRG/Brazil deal have failed so far but the Brazilian projects themselves are shaky. [2 lines not declassified] Elements of the Brazilian scientific community are pushing for modifications of the agreement. We have repeatedly spelled out our views against reprocessing. Now that the French are seeking to modify their contract to transfer a reprocessing facility to Pakistan, and are pressing the Germans to follow suit, the Germans are more isolated. Until after the French elections<sup>10</sup> we are reluctant to press the French on what "modifications" they will actually agree to with Pakistan. Should simple co-processing be involved we see little non-proliferation benefit.

We will urge the French to continue their efforts to convince the Germans of the regional security implications of Brazil's having a reprocessing capability. Mutual deferral of reprocessing in Argentina and Brazil will be sought: in Brazil, we plan to focus our efforts on President Geisel's successor, who will not be as personally committed to the deal; Argentina has indicated privately that it would consider deferring its own reprocessing plant only if Brazil were to do so. We have said that we would consider providing heavy water production technology that Argentina wants only if it deferred reprocessing, as well as adopted full-scope safeguards.

Planning on how to control the diffusion of sensitive centrifuge and other enrichment technology is now underway, and we will consider various institutional frameworks to ensure control of the front end of the fuel cycle.

## 3. *Incentives*

We are working to implement foreign aspects of the spent fuel storage policy Secretary Schlesinger announced last October.<sup>11</sup> Several

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<sup>10</sup> The French legislative elections were scheduled for March 12 and March 19.

<sup>11</sup> The proposal, which was actually first announced by Schlesinger's aide John Ahearne during an October 18, 1977 press conference, would allow the U.S. Government to "acquire and store the spent nuclear fuel that's piling up at the nation's utilities." ("President Proposes U.S. Acquire and Store Spent Nuclear Fuel," *Wall Street Journal*, October 18, 1977, p. 19)



countries (Sweden, India, Austria, Switzerland, Denmark) have indicated interest.

The \$5 million non-nuclear energy alternatives program<sup>12</sup> is starting with initial data collection and resource assessment in four less developed countries. We have designed the use of this limited budget so as to affect directly countries that are on the threshold of moving towards nuclear power programs.

Planning for a three-level system of fuel assurances is proceeding. Very recently the DOE published its proposed new terms and conditions for enrichment service contracting with the United States Government. In addition, the potential for cross-investment among supplier countries in enrichment facilities and other possible multilateral fuel assurance measures involving suppliers and consumers are also being examined. Finally, we are exploring the possibility of an International Nuclear Fuel Bank and will use INFCE to obtain the views of others.

#### *4. Building Consensus on the Structure of the Fuel Cycle*

On October 19, you opened the organizing conference of the INFCE by calling on nations to cooperate in the search for solutions to the proliferation problem. Nearly fifty countries and four international organizations are now participating actively in the various INFCE working groups, all of which have begun substantive work. Despite the sometimes stiff bilateral opposition to our non-proliferation policy, the INFCE participants have focused their attention within a multilateral context on the technical aspects of the nuclear fuel cycle and its proliferation risks. Maintaining a constructive atmosphere in the INFCE and directing its work towards a consensus on the particularly sensitive parts of the fuel cycle (reprocessing and enrichment) remain key tasks. We will need to develop plans on how to utilize the INFCE results in defining and implementing future elements of our policy.

#### *5. Domestic Policy and Legislation*

Legislation consistent with your proposals of last April has passed both houses of Congress by overwhelming majorities. Our program to renegotiate existing agreements for cooperation and negotiate new ones will proceed according to the newly legislated criteria.

In addition to your decision to veto the ERDA authorization bill containing funds for the Clinch River Breeder Reactor, we have restructured the FY-1978 work program at Barnwell reprocessing plant so as to remove the possibility of any reprocessing there. However, we foresee continuing Congressional pressures to use the Barnwell plant in

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<sup>12</sup> Not found.

FY-1979 in a way that would be perceived by other nations as inconsistent with policies we are urging on them.

We are working closely with DOE in examining and assessing various alternative nuclear technologies and their proliferation resistance. The results of DOE's Non-Proliferation Alternative System Assessment Program<sup>13</sup> will be prepared for foreign dissemination in INFCE and elsewhere. As these efforts develop, they will support our calls for other nations to study more proliferation-resistant fuel cycles.

#### *6. Measures to Affect Motivations to Develop Explosives*

Portugal recently ratified the NPT, bringing to 103 the number of parties. Indonesia appears prepared to ratify. We will continue to press for South Africa's accession. India, Brazil, France, and China still oppose the Treaty as discriminatory.

During Secretary Vance's trip to Latin America,<sup>14</sup> Argentina declared its intent to ratify the Treaty of Tlatelolco. Recent reporting, however, suggests that Argentina's intentions regarding ratification are still uncertain. Assuming Argentina does ratify the Treaty, only Cuban, French, Russian and US (on Protocol I)<sup>15</sup> actions would then remain to bring the Treaty into effect for Brazil and Argentina. We have urged all of them to act and our ratification of Protocol I is ready for submission to the Senate.

A Comprehensive Test Ban Treaty may be concluded this year. A CTB will be a concrete expression of our intent to curb the nuclear arms race. If the CTB contains no exceptions for weapons states and excludes all nuclear explosions, it will be an important tool in our efforts to formalize PM Desai's pledge to forswear any further peaceful nuclear explosions (PNEs) and to move India towards full-scope safeguards.

Your decision to strengthen NATO by the addition of more troops will serve to reinforce our security guarantees in this area. On the other hand, we must work carefully to minimize the regional political-military implications of our withdrawal from East Asia. We are particularly concerned about the intentions of Taiwan and South Korea.

We are also studying the relation between our arms transfer policies and non-proliferation.

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<sup>13</sup> Not found.

<sup>14</sup> Vance visited Latin America from November 20-23, 1977. See *Foreign Relations*, 1977-1980, vol. XXIV, South America; Latin America Regional.

<sup>15</sup> Protocol I of the Treaty of Tlatelolco bound overseas nations with territories in Latin America—the United States, the United Kingdom, France, and the Netherlands—to the terms of the treaty, which prohibited the manufacture, testing, storage, and use of nuclear weapons in Latin America.

**365. Letter From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to President Carter<sup>1</sup>**

Washington, February 27, 1978

Dear Mr. President:

In Europe for the IAEA Board of Governors meeting, I also talked with Chancellor Kreisky and Foreign Ministers David Owen (UK), de Guiringaud (France) and Simonet (Belgium), several EC Commissioners and PermReps, and a number of atomic energy officials. I was the first American allowed to inspect the French military gaseous diffusion plant (Pierrelatte) and the huge civil enrichment plant under construction (Tricastin).

I got the following impressions:

1. There is respect for INFCE which is a “going concern”, but INFCE is being used as a rationale to try to defer hard decisions—like EURATOM’s agreeing to renegotiate its supply arrangements with the U.S. (Under the nonproliferation legislation, EURATOM must so agree in order to avoid a U.S. embargo on nuclear exports.) I think EURATOM will agree. But there are feelings of resentment at what is seen as U.S. duress and a breach of international obligations by domestic legislation.

2. Europeans are used to depending on the U.S. for nuclear deterrence but they seem determined to keep to a minimum their peaceful nuclear energy dependence on the U.S. The British and French emphasized their disagreement with our policy to defer reprocessing and fast breeder commercialization. Europeans don’t want to give us a veto over reprocessing of U.S.-origin spent fuel because that would place decisions as to their energy programs in our hands. Expect long, tough negotiations over this issue, since energy dependence is a lively fear in Europe (and Japan).

3. The non-weapons states are especially sensitive to signs of American discrimination in its nonproliferation policy in favor of the UK and France.

4. Kreisky is hurting politically because his government cannot find a way to assure Austrians that reactor spent fuel can be securely stored. I explained your foreign spent fuel storage policy and stressed

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 1–9/78. Confidential. At the top of the page, Brzezinski wrote “Mr. President, A concise and informative report from Gerry Smith. Given your interest in the issue, it might be useful to have him call on you. Zbig.” Carter underlined the words “call on you,” drew an arrow pointing to them, and wrote “not now. C.”

its numerous conditions precedent.<sup>2</sup> He asked me to tell you of his full support for your nonproliferation policy.

5. Conversation with the Argentine Governor at IAEA indicates that they are not about to fulfill the agreement reached last November with Secretary Vance to ratify Tlatelolco.

Respectfully,

**Gerard Smith<sup>3</sup>**

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<sup>2</sup> Not found.

<sup>3</sup> Smith signed the memorandum "Gerry Smith."

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### 366. Editorial Note

On March 10, 1978, President Jimmy Carter signed the Nuclear Non-Proliferation Act of 1978 (NNPA) during a White House ceremony. In his remarks, Carter said that "This legislation takes a major step forward in clarifying our Nation's policy. I think it would be a much more predictable factor in the decisions made by foreign nations. It will give guidance to me, to the Congress, to the Nuclear Regulatory Commission, and to the Department of Energy and other agencies in our Federal Government who deal with this sensitive subject." He also noted that "with the assistance of our European allies," an International Nuclear Fuel Cycle Evaluation study had been created "to inventory existing nuclear fuels in the form of ore, both uranium, thorium, and others, to assess the quality and capability of enrichment facilities and to deal with the proper distribution of nuclear fuels to those who don't have supplies in their own country—with international safeguards and constraints being adequate; and at the same time, to deal with the unsolved question of the disposition of spent nuclear fuels. This is one of the most complicated questions that presents itself to the international community. I think it is accurate to say that some of our friends abroad will have to readjust their policy." (*Public Papers: Carter, 1978*, pp. 498–500)

In his memoirs, the President's Assistant for National Security Affairs, Zbigniew Brzezinski, recalled that Congress had grown increasingly concerned with the proliferation of nuclear materials after India's 1974 explosion of a nuclear weapon. The Carter administration, however, worried that various draft bills "were excessively tough. To head them off and to prevent further legislative initiatives, we introduced

our own bill, the Nuclear Non-Proliferation Act, which was passed in March 1978 with overwhelming majorities in both houses. The Act set the criteria for licensing the export of nuclear material, and prohibited U.S. export to any country not accepting international safeguards on all of its plans.” (Brzezinski, *Power and Principle*, pp. 132–133)

In his memoirs, the Ambassador-at-Large and Special Representative for Non-Proliferation Matters, Gerard Smith, recalled that while the Act “gave the United States veto rights over reprocessing of spent fuel it provided to foreign countries, called for renegotiation of existing contracts and agreements, tightened export license criteria, and prohibited U.S. export of fuel to any nation not accepting so-called ‘full-scope’ safeguards,” the Act could not prevent other nations from finding “other sources of supply for their fuel.” He recalled “When the President signed the bill into law and photos were taken in the White House, I stood to one side despite Brzezinski’s protest that I should be in the middle of the picture. I was determined not to be associated with this legislation, although as Carter’s Special Assistant, I was bound to uphold it.” Ultimately, Smith said “as things developed, I took it as my principal mission to roam the globe trying to cut down on the bitterness about our new policies and to mend fences with both allies and ‘threshold,’ or potential nuclear, states.” (Smith, *Disarming Diplomat*, pp. 192–193)

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### 367. Memorandum of Conversation<sup>1</sup>

Washington, March 15, 1978

#### SUBJECT

EURATOM–IAEA Safeguards

#### PARTICIPANTS

##### US

Philip J. Farley, S/AS  
William R. Salisbury, EUR/RPE  
(notetaker)

##### USSR

Alexander Bessmertnykh,  
Counselor of Soviet Embassy  
in Washington

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<sup>1</sup> Source: Department of State, Chronological Files, Speeches, and Papers of Lucy W. Benson, Lot 81D321, Box 8, EURATOM 1978. Confidential. Drafted by William Salisbury (EUR/RPE). The meeting took place at the Department of State.

SUMMARY: Farley handed Bessmertnykh US reply (attached)<sup>2</sup> to the March 3 Soviet text<sup>3</sup> on this subject. Farley stressed US belief that EURATOM members are working in good faith toward an acceptable implementation arrangement. Bessmertnykh said that this is not primarily a technical issue but a political one, and that EURATOM members should set a better example for others. End summary.

Mr. Farley handed Counselor Bessmertnykh the attached text and went over its points orally. Bessmertnykh thanked him for the presentation, agreed that the US and USSR are largely in accord on non-proliferation issues, but noted that we seem to disagree on the analysis of the EURATOM-IAEA situation. All the information available to the Soviets indicates that the FRG in particular is doing its utmost not to have strict IAEA safeguards made effective within EURATOM. Bessmertnykh said he agrees with our assertion that EURATOM acknowledges as a general matter the necessity of IAEA safeguards, but that the point is how those safeguards are applied in practice. The Soviets had not been sure where the US stands on this, since when Morokhov raised it in Geneva with Warnke as a bilateral matter there was no substantive response, only a promise to forward it to Washington, and the US was silent at the February IAEA Board meeting on this issue and on the necessity of an April Board meeting to resolve it.

Bessmertnykh said he was pleased that our March 15 text concluded with an assurance that we would continue to urge completion of the EURATOM-IAEA arrangements. The Soviets do not see this as basically a technical issue but a political one which raises particularly serious concerns in the context of such events as FRG-Brazil nuclear cooperation. For this reason, the Soviets see a need for more effort on the part of like-thinking nations in the non-proliferation field.

Farley agreed that there were currently difficult situations regarding non-proliferation, and that developments in Latin America were one. But we do not see the same kind of problem in Western Europe, and see no indication that the FRG or others in EURATOM are trying to evade IAEA standards. We think the EC is moving in good faith toward a satisfactory solution, and that the problems have been essentially technical in nature.

On the procedural question of US channels for discussion, Farley noted that Warnke is not directly involved in these safeguards issues

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<sup>2</sup> Attached but not printed.

<sup>3</sup> The note relayed Moscow's concern about "the especially active opposition of the FRG to the control by the IAEA of its nuclear activities. We would like to know what steps the US Government has in mind to take to help the IAEA in solving that problem." The complete text of the note is in telegram 57425 to Brussels, March 7. (National Archives, RG 59, Central Foreign Policy File, D780101-0744)

but that Ambassador Smith—who, of course, is the US Representative to the IAEA—is the primary source. Either he or Farley will go to the April meeting of the Board, and would be happy to talk with the Soviets if they wish. We do hope to see this issue resolved in April.

Bessmertnykh said that, while Farley may be right in saying that the situation in Western Europe on non-proliferation is different than that elsewhere, EURATOM should not be setting a bad example for others, but on the contrary should be out front in accepting a maximal IAEA role. Farley noted the high degree of nuclear energy development in the EC, the preexistence of EURATOM safeguards and the technical complexities involved, and expressed doubt that others could credibly point to the EURATOM–IAEA situation as a precedent for national situations elsewhere.

The two agreed to stay in touch on non-proliferation issues, particularly where IAEA-related.

After the meeting, Bessmertnykh told Salisbury he agreed that EURATOM–IAEA arrangements were nearing a satisfactory conclusion, but repeated that he is concerned at the precedential effect, and at the prospect that general US-Soviet agreement on non-proliferation goals will diverge in specific cases because of “other factors” present in such cases.

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### 368. Paper Prepared in the Central Intelligence Agency<sup>1</sup>

RP 78–10315

Washington, September 1978

#### The Nuclear Non-Proliferation Treaty: Looking Toward the 1980 Review Conference

##### *Key Judgments*

The Nuclear Non-Proliferation Treaty (NPT), an important bulwark against the spread of nuclear weapons, will receive its second five-year review at a conference to be held in 1980. Forces operating outside the treaty—especially the security concerns and regional rivalries of nonnuclear weapons states—will continue to be the main determinants of the scope and rate of the proliferation process. But the

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Unfiled File, Box 144, Nuclear Non-Proliferation: 9/78–1/81. Confidential.

NPT, if it remains at its present level of effectiveness, will provide significant political, legal, and moral constraints on the behavior of adherents (over 100 countries) and nonadherents alike.

The Second NPT Review Conference is likely to reveal a number of concerns and misgivings about the operation of the treaty. It may also give an opportunity to some states to criticize US nonproliferation policy, which has relied heavily on the NPT and its International Atomic Energy Agency (IAEA) safeguards system. The following critical questions will probably dominate the review conference agenda:

- Have the nuclear supplier states allowed “the fullest possible” flow of nuclear technology and goods for peaceful uses to NPT adherents, as promised?
- Have the nuclear weapons states delivered on their pledge to seek “in good faith” nuclear and general disarmament?
- Are IAEA safeguards adequate to protect against violations of the letter and spirit of the treaty?

The conference may also debate such sensitive political issues as whether or not adherents should continue nuclear cooperation with “pariah” states, such as Chile, Israel, South Africa, and Taiwan.

The ability of the NPT to attract additional adherents and keep those it has—and even its long-term viability—will hinge, in part, on how successfully these questions are addressed, not only at the review conference, but also in other international forums, as well as on the general course of the proliferation process.

[Omitted here is the body of the paper.]

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**369. Telegram From the Department of State to the Embassies in the United Kingdom, the Federal Republic of Germany, the Netherlands, Japan, France, Canada, the Soviet Union, and Australia<sup>1</sup>**

Washington, October 11, 1978, 2340Z

258208. Subject: Nuclear Suppliers Group: Policy on Transfers of Enrichment Technology.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780417-0367. Confidential. Drafted by Allen Locke (PM/NPP); cleared by Marilyn Meyers (EA/J), Rust Deming (OES/NET), Carol Stocker (EUR/RPE), Frank Bennett (EA/ANZ), Charles Van Doren (ACDA), Ronald Bettauer (L/N), Robert Kelley (S/AS), and Marvin Humphreys (PM/NPP); and approved by Nye.



1. Embassies should present to appropriate host government officials the Non-Paper in para 2, drawing orally on background information in para 3. We are seeking preliminary reactions of key Nuclear Supplier Governments to our approach to and proposed language for clarification of the restraint in export of uranium enrichment technology called for in the Nuclear Supplier Group guidelines. Host authorities should be clear that we are not seeking to establish any forms of restraint beyond those already provided for in the guidelines. At the same time, you should stress that the US, for its part, has never transferred enrichment technology under its agreements for cooperation in the peaceful uses of atomic energy, and does not foresee any circumstances likely to arise in the near future which would occasion a change in this policy.

2. Text of Non-Paper follows: Begin text: transfers of enrichment technology. In recent months, the US has held informal consultations with several Nuclear Supplier Group members on the question of adopting further restraints in the area of enrichment technology exports. We have found the view to be generally held that the relevant suppliers might usefully adopt additional restraint in this area. At the same time, we have concluded that a formal meeting of the Nuclear Suppliers Group and formal amendment of the Nuclear Supplier Group guidelines would not be feasible at this time. Accordingly, we are considering adopting the following principle as US policy.

“In applying Article 7 of the guidelines, the Government of the US recognizes the need for special restraint in the transfer of enrichment technology and for early consultations before making any commitments in this field. As stated in Article 7, the US believes that any such transfer should be under arrangements that include supplier involvement and/or multinational participation, and believe it desirable to continue supplier consultations regarding the characteristics of such arrangements which will reinforce international safeguards.

“We would appreciate governments’ comments on this approach and indications of whether governments would be prepared to adopt similar policies for future commitments.” End text.

3. Following background information may also be drawn upon in discussing above presentation with host authorities. NSG guidelines call for “restraint” in export of sensitive fuel reprocessing and uranium enrichment technologies, but do not incorporate any understandings as to the circumstances under which such exports might be appropriate. With respect to reprocessing, several key relevant suppliers have additionally undertaken, unilaterally, further voluntary restraint on exports. FRG and France, for example, have publicly indicated their intention not to enter into new arrangements for transfer of reprocessing technology. The US is strongly of the view that similar policies are also

necessary with respect to enrichment technologies. We have over the past months informally consulted with the governments of the UK, France, the FRG, and the USSR concerning the approach incorporated in the above note. On the substance of our approach to special restraint in enrichment exports, it should also be noted that: (a) restraint should cover all present enrichment technologies, and not only those mentioned in the NSG guidelines: (b) at the same time, we recognize that additional, more stringent, controls may prove necessary in the future regarding advanced isotopic separation technologies such as laser isotope separation: (c) supplier consultations would not be intended or used for commercial advantage. We would not intend to make any public announcement of this policy.

4. For Paris. We have made a particular effort to shape the above text to take into account the exchange Nye had with Bujon (CEA) and Louet (MFA) in late May.<sup>2</sup> If the French question whether the proposed principle would apply to their chemical process, you should say that processes that are demonstrated to be particularly attractive with respect to difficulty of producing HEU and ease of material accountancy could be treated in a less stringent manner.

5. For Bonn. We have also sought to shape our approach according to the views expressed by Dittman, et al, when they met with Nye in Bonn in late May.<sup>3</sup> If the Germans raise the question of transfer of enrichment technology under the FRG-Brazil deal, you should say that text does not envision any retroactive application of the proposed principle. Our previously-stated concern on the transfer of sensitive technologies under the FRG-Brazil deal remains unchanged.

6. For London. Proposed language of suppliers undertaking is that agreed upon by Nye and Moberly.<sup>4</sup> British are thoroughly familiar with the proposed approach. You should share this instruction with FCO, to keep them informed of steps we are taking.

7. For Moscow. Our basic approach on this issue was discussed most recently with the Soviets in Vienna on September 19, when Ambassador Gerard Smith briefed Morokhov (Vienna 8485)<sup>5</sup> subject was also discussed in May, when Nye met in Geneva with Timerbaev.<sup>6</sup> Soviets seemed generally sympathetic to the need for further restraints on

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<sup>2</sup> Not found.

<sup>3</sup> Not found.

<sup>4</sup> Not found.

<sup>5</sup> Telegram 8485 from Vienna, September 20, reported that the head of the Soviet Delegation to the IAEA General Conference, Morokhov, "welcomed briefing by Gerard Smith on status of London Suppliers Conference, saying Soviet and US interests were 'identical' in non-proliferation." Smith called this comment "significant." (National Archives, RG 59, Central Foreign Policy File, D780384-0286)

<sup>6</sup> Not found.

enrichment exports, and Timerbaev was particularly concerned that the NSG continue to show signs of life, preferably through a meeting of the 15. In the absence of an opportunity to convene such a meeting of the NSG, we see an advantage to early and positive action on the present proposal as an alternative means of demonstrating continued vigor of the NSG effort.

8. For Canberra. You should provide the informal note and background info for the GOA's background only, noting our desire to keep the Australians fully and currently informed of supplier issues that impinge directly on their interests. With reference to recent US-Australian exchanges involving Nye on the subject of multinational enrichment ventures, you should ensure that GOA understands that our approach is consistent with the possibility of establishing a multinational enrichment plant in Australia and in no way seeks to undercut any Australian aspirations in this regard. Neither is this initiative intended to press GOA in any way for a public statement on multinational control of enrichment facilities (State 244023).<sup>7</sup>

9. Department would appreciate early initial reactions to this approach.

**Vance**

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<sup>7</sup> In telegram 244023 to Canberra, September 26, the Department of State said it concurred with the Embassy's judgment "not to push for a public GOA statement" favoring multinational control of enrichment and processing facilities "at this time." (National Archives, RG 59, Central Foreign Policy File, D780392–0928)

370. Memorandum Prepared in the Central Intelligence Agency<sup>1</sup>

RP-M-78-10433

Washington, November 16, 1978

THE POLITICS OF INFCE<sup>2</sup>

*The International Nuclear Fuel Cycle Evaluation (INFCE) represents one of the most ambitious and complex ventures undertaken in the field of international diplomacy. This two-year program, launched by a US initiative, seeks to construct a consensus among industrial and developing nations on the future role of nuclear energy. In this effort, the Evaluation takes into account not only national economic requirements but also the global political objective of reducing, to the maximum extent possible, the dangers of nuclear weapons proliferation.*

*The Evaluation has stimulated a higher degree of awareness concerning the dangers inherent in the spread of advanced nuclear technology and of US policy objectives in this sensitive area. It has also identified the major obstacles to a new consensus on the future role of nuclear energy. As it enters its second and final year, INFCE is beset by a fundamental dispute among the participating countries—indeed, it has been hampered from the start by the difficulty of reconciling US non-proliferation policy with the priority resource-poor nations attach to energy-security. Many of the advanced industrial nations believe that a plutonium-based fuel cycle will reduce their dependence on external energy resources. Their desire to proceed with the “plutonium economy” despite its associated proliferation hazards has been amply demonstrated in the INFCE working groups. These nations, along with the LDCs, justify their resistance to US non-proliferation policy on the basis of:*

*—Conservative estimates of the size of world uranium reserves, coupled with high projections of the need for nuclear power;*

*—Claims that the reprocessing of spent nuclear fuel and its recycle in power reactors offers an effective program for dealing with anticipated energy vulnerabilities; and*

*—Assertions that the fast breeder reactor will eventually lead to a self-contained fuel cycle that will help eliminate the problems associated with energy dependence.*

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<sup>1</sup> Source: Department of State, Chronological Files, Speeches, and Papers of Lucy W. Benson, Lot 81D321, Box 8, INFCE 1978. Secret; [handling restriction not declassified]. At the top of the memorandum, an unknown hand wrote “FYI—slow read.”

<sup>2</sup> This memorandum was prepared by the International Issues Division of the Office of Regional and Political Analysis and was coordinated with the relevant Divisions of the Office of Regional and Political Analysis, the Office of Economic Research, and the Office of Scientific Intelligence. Comments and Questions should be addressed to [less than 1 line not declassified]. [Footnote is in the original.]

*Efforts by the United States and other major uranium suppliers to formulate an effective alternative to the plutonium economy lack credibility in the eyes of energy-dependent nations. INFCE is unlikely to resolve this conflict because there are*

*—Serious doubts about the United States as a reliable uranium supplier, reinforced by the 1978 Nuclear Non-Proliferation Act that requires the review and possible revision of supply contracts, and*

*—Few, if any, political guarantees or technical fixes that will satisfy those nations with the greatest need for assured access to nuclear fuel.*

*Underlying reservations about US non-proliferation policies have prompted the advanced industrial nations to conduct a damage limitation exercise in INFCE. Even in its most positive sense, the Evaluation for these nations represents primarily an opportunity to reaffirm the long-term benefits of the plutonium economy in the face of US criticism. The less developed nations, for their part, see INFCE as a chance to voice once again their demands for the unrestricted transfer of nuclear technology rather than as an opportunity to join the search for a more proliferation resistant nuclear regime.*

*Representatives of the nearly 60 governments and international organizations participating in the Evaluation are scheduled to hold a plenary session in Vienna from 27 November to 1 December to review progress to date. Thus far, the working groups have assembled technical data that will serve as the basis for their formal reports, which are to be completed within the next six months.*

*The success of INFCE cannot, however, be measured only in terms of these technical studies or the final report that will probably be drafted from them. Indeed, INFCE has no formal binding authority on its participants. As a US initiative, it is only one part of Washington's broad policy to slow the pace of nuclear proliferation. Consequently, developments relating to nuclear energy and technology outside the Evaluation will have an impact on its outcome. For example, bilateral consultations between the United States and INFCE participants concerning the implementation of the 1978 Nuclear Non-Proliferation Act could have a decisive influence on the degree of cooperation exhibited during the concluding year of the Evaluation.*

*One factor that might overshadow the Evaluation is the second NPT Review Conference. The Conference is scheduled to begin only three months after the Evaluation ends in February 1980. At a minimum, preparation for the Review Conference preparation will divert the attention of nuclear policy makers and experts from many developing countries which consider it a more effective political forum to criticize supplier states attempting to curb the transfer of nuclear technology.*

*Shifting the focus of the debate to a new arena may make it easier to draft an INFCE report. Nonetheless, the extent to which a final re-port represents a resolution rather than an effort to paper over the disagreement between those who place the highest priority on non-proliferation and those who are preoccu-*

*pied with energy security would appear at this juncture to depend more on perceptions by the energy-poor nations of greater flexibility in US policy than on any substantial compromises on what they see as essential national interests.*

[Omitted here is the body of the memorandum.]

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**371. Letter From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to President Carter<sup>1</sup>**

Washington, January 17, 1979

Dear Mr. President:

I understand that Schmidt referred to your non-proliferation policy at Guadalupe<sup>2</sup> and according to the report I had from State Secretary Hermes in Bonn last week Schmidt expressed concern about a possible U.S.-Canadian-Australian uranium cartel.<sup>3</sup> On this score during these Bonn discussions the Germans, while saying there was much agreement between the U.S. and German positions on nonproliferation, also said our legislation was discriminatory and they felt that the United States was now a less reliable supplier than before the legislation.

In subsequent talks at Paris with my opposite number, Andre Jacomet, he reported that the Germans had said they were tempted to support the position of the Group of 77 who apparently believe that the United States is not living up to its NPT commitment to assure a full flow of nuclear technology and material to the non-weapon states.<sup>4</sup> I think this reported attitude is more a matter of "letting off steam" than a real German position but it suggests that nonproliferation can be a highly divisive issue in relations with the Federal Republic.

The French also reported that the Italians were bitter about having joined the Non-Proliferation Treaty and apparently are sympathetic to

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 52, Proliferation: Smith (Gerard) Initiative: 5/78-9/79. Secret. Copies were sent to Brzezinski and Vance. Stamped notations at the top of the letter read "JTM has seen" and "LD has seen."

<sup>2</sup> See *Foreign Relations*, 1977-1980, vol. XXVII, Western Europe.

<sup>3</sup> Smith, Hermes, and other U.S. and FRG officials met in Bonn on January 10. A report on this meeting is in telegram 1254 from Paris, January 12. (National Archives, RG 59, Central Foreign Policy File, D790016-1079)

<sup>4</sup> A report of the Smith-Jacomet discussion is in telegram 1423 from Paris, January 15. (National Archives, RG 59, Central Foreign Policy File, P840130-1770)

the developing countries' position that renunciation of weapons plus acceptance of safeguards is adequate assurance against the spread of nuclear weapons.<sup>5</sup>

Jacomet also said that Hermes (FRG) reported that the U.S. was now in agreement with the FRG on the Brazilian deal.<sup>6</sup> We are asking Ambassador Stoessel to correct this impression.

As evidence of how ticklish the domestic nuclear situation is in Germany—we were advised that if the recent vote on going ahead with the Kalkar breeder had not passed the Bundestag “owing to 6 abstentions”, the breeder issue could have “toppled the government”.

Respectfully,

**Gerard Smith<sup>7</sup>**

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<sup>5</sup> Ibid.

<sup>6</sup> Smith reported this comment in telegram 1289 from Paris, January 12. (National Archives, RG 59, Central Foreign Policy File, D790017–0013)

<sup>7</sup> Smith signed the letter “Gerry.”

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### **372. Paper Prepared in the Department of State<sup>1</sup>**

Washington, undated

#### **STATUS REPORT FOR THE PRESIDENT ON NON-PROLIFERATION POLICY/NUCLEAR FUEL CYCLE INITIATIVES**

Events of the past several months—particularly the INFCE plenary last November and the bilateral talks with our major nuclear co-operation partners in November and January, as well as our talks with India and Pakistan on nuclear issues—allow us to take a broad look at the progress and prospects of our non-proliferation policy, especially our initiatives on managing the nuclear fuel cycle.

In the two years since your April 1977 non-proliferation policy announcements,<sup>2</sup> we have clearly achieved a heightened sensitivity

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 31, Chron: 7/79. Confidential. Sent under cover of a July 20 memorandum from Vance to Carter.

<sup>2</sup> See footnote 3, Document 338.

abroad to the dangers that nuclear proliferation would pose and to the importance of deterring proliferation. We have also made progress in renegotiating some of our nuclear cooperation agreements, gained new adherents to the Nuclear Non-Proliferation Treaty, and won limited support from other nuclear suppliers for restraints on sensitive nuclear exports, particularly in the case of exports to Pakistan.

At the same time, and especially because of the insecurity of global energy supply that was accentuated by events in Iran,<sup>3</sup> our efforts to restrain the use and transfer of sensitive nuclear technologies and materials are still viewed by many governments as an unacceptable infringement on their nuclear energy development plans. These governments defend their nuclear energy plans primarily on political grounds, specifically on their right to increase their energy independence and to undertake related technological development.

As a result, although our INFCE consultations show a growing consensus between ourselves and several of our industrialized partners on most issues concerning the nuclear fuel cycle and sensitive technology transfers, we have not been able to win many other governments' support for our fundamental position: that non-proliferation concerns, as well as technical and economic factors, indicate that the transfer and use of sensitive technologies should be significantly restrained and delayed.

In talks with us even the Canadians, whom we view as close allies in our non-proliferation effort, have voiced doubts about the effectiveness of an attempt to deny sensitive technologies to the developing states even if they accept safeguards and give other non-proliferation assurances. Canadians argue that such a discriminatory approach could weaken the NPT. They also stress their interest in maintaining an option for Canadian enrichment and reprocessing facilities.

If the problems of access to peaceful nuclear technology and nuclear arms control cause a serious confrontation at the June 1980 NPT Review Conference, the NPT regime, which has served us so well over the last decade, could be significantly undercut. The situation would be even more acrimonious if the outcome of INFCE appears discriminatory or if SALT II and a Comprehensive Test Ban Treaty are not concluded before the conference. We are currently consulting with the other NPT depositary states (UK and USSR) and other key countries to promote a more productive atmosphere at the conference.

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<sup>3</sup> In the wake of the Shah's decision to leave Iran, the nation's new government suspended oil exports, which affected the world's energy supply. See *Foreign Relations*, 1969–1976, vol. XXXVII, Energy Crisis, 1974–1980, Documents 181, 182, 187, 188, 189, 192, 193, 194, and 200.



As an outcome of INFCE, we look forward to a reasonably balanced technical analysis of fuel cycle issues in the final INFCE report in February 1980. But we do not expect to achieve a formal new international regime under which governments are committed to a set of norms and rules corresponding to our policy preferences. Rather, alongside the INFCE process, we hope to achieve a growing informal consensus among the major industrial countries on a set of general principles for nuclear commerce and fuel cycle management that can serve as a guide for national policies. To reach even an informal understanding, we will have to make some compromises. We also believe that such a consensus among suppliers may evoke a strong negative reaction on the part of many developing countries, although we are trying to bring them into the consensus as well.

We have begun to develop certain illustrative elements of the consensus we hope to achieve. These include strictly limiting and multinationalizing new enrichment and reprocessing plants; using plutonium only for research, development, and deployment in breeders and advanced thermal reactors; no recycling of plutonium in current generation thermal reactors; and pacing construction of any new reprocessing plants to meet only breeder and advanced reactor requirements and to avoid stockpiling of plutonium. We have also encouraged multinational safeguarded interim spent fuel repositories.

We hope that restraints of these kinds can be made acceptable on the basis of an evolutionary principle: that is, that various nuclear technologies and facilities may be transferred to developing countries but only when their energy needs and electric grids would support such transfers. However, we expect that a number of developing countries will resist this approach because they want complete access now to all nuclear technologies and will resent in principle a formula that discriminates between states on the basis of level of development.

In the near term, we will have to compromise on some of our illustrative elements in relation to the advanced countries. In particular, West Germany, Japan and Canada want to pursue, or to retain the option for, national enrichment and reprocessing programs. Winning their agreement to place such sensitive facilities under multinational auspices will require efforts that continue beyond the conclusion of INFCE. Also, West Germany and Belgium (and possibly Japan) are not likely to be dissuaded from their programs for research and development for thermal recycle of plutonium, although they may agree not to enlarge such programs for at least a decade.

To reach a consensus on fuel cycle issues, we believe that we will have to move beyond our present case-by-case consideration of approvals of retransfers of US-supplied fuel for reprocessing because this confronts our nuclear partners with uncertainties they believe they

cannot manage. We believe it may be possible to deal with such approvals on a generic basis within the framework of the restriction on reprocessing that we are now considering proposing.

Our approval right on reprocessing is the main issue in the renegotiation of our nuclear cooperation agreements. We have signed a new agreement with Australia and initialed one with Norway.<sup>4</sup> Our negotiations are well under way with Finland and several other countries. Reaching agreed conditions on reprocessing would allow us to move forward with our renegotiation program in particular with EURATOM and Japan.

Beyond the fuel cycle consensus we are seeking, we also face certain critical cases posing a high risk of proliferation. Pakistan's sensitive nuclear programs aim at achieving an explosives capability, directly challenging efforts to restrain proliferation. We are working with other suppliers to restrain sensitive exports to Pakistan, while exploring internally and with other governments various approaches to the problem.

At the same time, we do not believe that India will agree to place all its peaceful nuclear activities under IAEA safeguards by March 1980 as the law requires for continued US cooperation, and the collapse of the Desai Government raises new uncertainties about India's future nuclear course.<sup>5</sup> We have not been successful in gaining South Africa's agreement to adhere to the NPT or to accept IAEA safeguards on its enrichment activities. Meanwhile, we believe South Africa is already producing weapons-grade enriched uranium. Finally, the FRG contract with Brazil for the transfer of sensitive nuclear technology, while encountering some delays and difficulties, remains intact with sensitive facilities planned to come online in Brazil in the mid-to-late 1980's. This situation is complicated by Argentina's plans for the indigenous development of a reprocessing facility.

All these critical cases pose difficult challenges for us this year and beyond. On other non-proliferation issues, we also foresee a difficult 1980 scenario that we believe we should signal to you. The following sequence is likely:

—A final INFCE conference in February whose formal results are extremely modest in comparison to the hopes we originally entertained, but which may still discomfit many of our nuclear partners, especially the developing countries.

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<sup>4</sup> The United States signed an agreement concerning the peaceful use of nuclear energy with Australia on July 5 and initialed an agreement with Norway on nuclear cooperation on May 11.

<sup>5</sup> Indian Prime Minister Moraji Desai resigned, July 15, after Deputy Prime Minister Charan Singh and Minister of Health Raj Narain withdrew from his ruling Janata Party.

—A March 10 US embargo on nuclear supply to non-nuclear weapon states that have not placed all their peaceful nuclear facilities under IAEA safeguards (this is likely to affect India in particular).

—In the case of EURATOM, a need for you to extend for one year the March 10 deadline for obtaining their agreement to grant the US the right to veto reprocessing of spent US-supplied fuel.

—A June Non-Proliferation Treaty Review Conference marked by challenges on the part of countries which believe the nuclear-weapon states have not fulfilled their NPT obligations to transfer nuclear technology for peaceful uses and to reduce their own nuclear weapons forces.

—An industrialized-nation summit in which we, as well as our partners, may be called upon to make certain explicit concessions (for example with regard to the agreed conditions under which reprocessing of spent US-supplied fuel will normally be approved).

On these and other issues, our leverage is limited and declining. We are not the only supplier of essential nuclear materials, equipment, or services, and some countries will be willing to forego our nuclear supplies despite the value they place on good overall relations with us.

Also, it is not likely that the principles we hope to establish will receive early formal approval internationally or be reflected in new institutions in the near term. However, we believe that the potential problems can be moderated if we use a more informal and flexible approach to our non-proliferation goals, especially because other governments will accept significant restraints on their nuclear activities far more readily in practice than in principle.

We also believe that achieving an effective global consensus on non-proliferation policy, and especially on managing the nuclear fuel cycle, will require a continuing effort through the 1980s and beyond. Even if the process we foresee moves forward reasonably successfully, we must expect that some “problem states” will elect to remain outside the consensus that begins to develop and that we will, on occasion, be confronted with difficult dilemmas in restraining potential proliferators.

**373. Memorandum From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to President Carter<sup>1</sup>**

Washington, July 27, 1979

SUBJECT

Nonproliferation

I.

The Secretary of State's July 20 Nonproliferation Status Report<sup>2</sup> to you indicates the following:

—The International Nuclear Fuel Cycle Evaluation (INFCE) will end in February 1980 with only modest results.

—We face critical decisions by mid-1980: waiver of the deadline for renegotiation of our agreement with the European Community as the Europeans will continue to refuse us a reprocessing veto; possible cut-offs of nuclear exports to India and South Africa; and a major issue with Japan if we insist on continuance of case-by-case review of proposals for reprocessing of US-origin spent fuel and continued deferral of the Japanese planned reprocessing program.

—We will in addition face criticism at the NPT Review Conference in June 1980.

Further, our task of working out acceptable new international arrangements is complicated by the legislative requirement for changes in existing supply commitments and the shift of the nuclear export licensing function to the NRC.

II.

We are now beginning a thorough and systematic exploration of international nuclear policy in the post-INFCE period. An interagency group will be getting under way. Other countries are looking for a degree of harmonization of nuclear policies in the aftermath of INFCE. International explorations on a more specific basis than in the past are called for. Unless otherwise directed, I propose to go forward with the efforts outlined in this memorandum on the basis of the following observations.

1. Although there is enhanced concern in various industrial countries and to some extent in developing countries about the nuclear proliferation threat (largely owing to your initiative, but reinforced by de-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 31, Chron: 7/79. Secret.

<sup>2</sup> See Document 372.

velopments in Pakistan),<sup>3</sup> many nuclear nations view U.S. policy as an effort to deny them autonomy (however unrealistic that possibility may be in some cases). There is a widespread belief, and it is notable that even Canada may be moving in this direction, that restrictions on sensitive facilities are likely to become less effective or even counterproductive where countries in which they are located or planned agree to IAEA safeguards on all their civil nuclear facilities (full-scope safeguards).

2. There is fairly wide acceptance, largely as a result of efforts in INFCE and elsewhere, of the views that (a) the economic advantage of recycling of plutonium in thermal reactors is marginal, at best; and (b) reprocessing is not a necessary precondition for waste disposal.

3. There is substantial acceptance in Japan, France, the UK, the FRG, other European nations, and the USSR, of the need to prevent widespread construction of national enrichment and reprocessing plants and the spread of plutonium and high enriched uranium. But none of these countries is prepared to imitate the U.S. by forswearing reprocessing (although the FRG has been forced by domestic pressures to accept deferral of their proposed major commercial facility). While the first four agree that multinational approaches to sensitive facilities and materials are of interest for nonproliferation reasons, they, like the U.S., resist acceptance of dependence on multinational plants.

4. INFCE will not come up with either fuel cycle or hardware “fixes” which will significantly reduce the potential for diversions to weapons programs.

5. With demands for nuclear power much reduced and sources of nuclear equipment and enrichment services increasing, U.S. ability to influence the conditions of international nuclear trade has greatly diminished. It is likely to diminish further.

### III.

In light of these observations and in order not to be further isolated from influencing nuclear developments abroad, we need to develop new approaches (reflecting the incentives and institutions foreshadowed in your 1977 speech and the Nuclear Non-Proliferation Act (NNPA)) designed to achieve our basic nonproliferation objectives. Our best hope lies in developing a consensus among the Summit 7, certain other important industrialized countries and some key LDC’s.

I propose, in both internal efforts and in exploratory talks with other governments, to explore a range of possibilities building on NPT and IAEA safeguards, while maintaining to the extent possible supplier restraints. These possibilities would be based on the following:

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<sup>3</sup> On June 25, Smith informed IAEA Director General Eklund about “the seriousness with which the United States viewed” the “evidence” that Pakistan “was pursuing a nuclear explosive program, mentioning activity in reprocessing, gas centrifuge enrichment and nuclear explosive design.” (Telegram 178818 to Vienna, July 11; National Archives, RG 59, Central Foreign Policy File, P840167–2015)

1. *An understanding with the major industrial states that we would not exercise a veto on nuclear trade among them or on their development of sensitive facilities involving materials of U.S. origin; provided (i) they accept full-scope and improved safeguards on all civil nuclear facilities and an appropriate institutional framework for their operation and the management of the materials they produce, and (ii) they have a reasonable economic case for building sensitive plants.* We would interpret reprocessing in order to obtain plutonium for certain research, for breeders and for other advanced reactors as "reasonable" for countries with large programs, but not in the near to medium term for the recycle in conventional thermal reactors or as a precursor to waste disposal. (Eventual U.S. agreement to this point could require legislative changes; our exploratory talks would note this fact.)

2. *The development of international and multinational institutions as a further means of reducing the likelihood that critical materials will be diverted to making weapons.* This would include (as foreshadowed in the NNPA) willingness to consider foreign participation in U.S. enrichment capacity.

3. *As a part of such institutional development, early establishment of an effective international plutonium storage/management system.* Since accumulation of substantial stocks of plutonium by some countries is inevitable, nuclear cooperation with them and other nations which might acquire or produce plutonium should be conditioned on their willingness to place excess civil plutonium stocks under international control. This should include U.S. willingness (as proposed by the Ford Administration) to place U.S. excess civil plutonium in an effective control system.

4. *Short- and long-term measures to provide greater assurance of fuel supply, especially to countries stopping short of full fuel cycles.*

5. *Technical cooperation and assistance regarding (i) three major problems of nuclear power (safety, spent fuel disposition and waste disposal) and where appropriate (ii) research and development on breeders and other advanced nuclear technologies.*

6. *Improved safeguards for enrichment, reprocessing and MOX fabrication plants, and undertakings to limit new enrichment capacity to low enrichment.*

In sum, we plan to begin exploration of what post-INFCE regimes might look like. Hopefully, we will as a result be able to provide you with a realistic assessment of the best possible alternatives which could be negotiable with other countries. You would then be in a better position to establish post-INFCE U.S. policy.

I am taking the liberty of sending a copy of this memorandum to the Secretaries of State and Energy, and the Director of ACDA.

Gerard Smith<sup>4</sup>

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<sup>4</sup> Smith signed the memorandum "Gerry."

**374. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith<sup>1</sup>**

Washington, August 10, 1979

## SUBJECT

Post-INFCE Negotiations (U)

I do not believe that the President should be asked to address the question of exploring the post-INFCE proposals outlined in your memorandum of July 27 until they have been developed in considerably more detail and specificity.<sup>2</sup> Some of them would appear to require significant changes in the policy decisions made in 1977,<sup>3</sup> and several might require new or amended legislation. Without a detailed analysis of what we would be proposing in each area, and an assessment of the impact of the whole package on our objectives, it would be difficult for the President to make a judgment on the acceptability of this approach. I suggest that the post-INFCE planning group which you have recently established prepare a paper on each of the six possibilities, including specific proposals which might be explored with other governments, required changes in existing legislation and policy guidelines, and an overall assessment of how the package might affect the pace of re-processing and breeder deployment in countries participating in the arrangement and our ability to restrain sensitive activities in other nations. These papers should be reviewed by the PRC before the President is asked to authorize explorations with other governments. (S)

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 31, Chron: 8/1–12/79. Secret.

<sup>2</sup> See Document 373.

<sup>3</sup> See Document 330, and footnote 3, Document 338.

**375. Memorandum of Conversations<sup>1</sup>**

Washington, August 21 and 30, 1979

**PARTICIPANTS**

Ambassador Gerard Smith, S/AS  
Ambassador Henry Owen, White House  
Mr. Robert Bowie  
Mr. Abraham Chayes  
Dr. Albert Carnesale  
Mr. Phillip Farley  
Dr. George Rathjens, S/AS  
Mr. F.S.M. Hodsoll, S/AS

**SUBJECT**

Post-INFCE Nonproliferation Regime and 1980 Summit

The following ideas were expressed:

1. Smith should explore this Fall with key industrialized countries (Japan, UK, France, FRG, Netherlands, Belgium, Sweden, Italy, Canada, and possibly Australia) views on the framework for a Post-INFCE Nonproliferation Regime (including multinational arrangements).

2. It is understood that there will be organized this Fall a nongovernmental meeting on post-INFCE institutions; this would include key developing, as well as developed, countries. Ian Smart (UK) could be a principal organizer of this effort.

3. The purpose of these efforts would be to provide a basis for (i) developing recommendations for the President on post-INFCE U.S. policy, and (ii) talks next year leading hopefully to a consensus among the Summit 7 plus Belgium, the Netherlands and Sweden on the basic elements of post-INFCE civil nuclear arrangements. We would attempt to achieve this consensus in time so that appropriate initiatives could be undertaken in June 1980 at the Venice Summit; Summit discussions and actions should avoid a developing country perception of the "Big Boys" ganging up on them.

4. In parallel with the talks referred to in 3 above, we should arrange to begin a dialogue with key developing countries who have participated actively in the INFCE TCC (Egypt, India, Philippines, Argentina, Korea, Romania, Brazil, Mexico, and Yugoslavia). The purpose would be to develop a degree of understanding, if not consensus, prior

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 52, Proliferation: Smith (Gerard) Initiative: 5/78-9/79. Secret. Drafted by Francis Hodsoll (S/AS) on August 30. The conversations took place in Smith's office at the Department of State.



to the 1980 NPT Review Conference. A number of these countries should be worked in as a part of the Smith exploratory trip (perhaps India, Korea, Argentina, and Romania, which are active members of the TCC).

5. As agreed with Dr. Brzezinski, to provide USG authority for the Fall explorations, Smith should meet with Secretaries Vance, Brown and Duncan and Dr. Brzezinski shortly after Labor Day. For this purpose, a memorandum would be prepared outlining (i) the nature of the non-proliferation policy problem and (ii) the general thrust of ideas which we believe should be explored with other countries. The memorandum would indicate that it is too soon to consider actual policy changes, but that the explorations would provide a basis for formulating realistic proposals for the President's consideration. It would also suggest a communication signaling the Smith explorations and the President's interest in reaching resolution of outstanding civil nuclear issues.

6. Prior to the Fall explorations, the interagency group requested by the NSC should develop back-up analytical papers on key elements of the post-INFCE regime (e.g., plutonium management, research, etc.). On the basis of these papers, country specific papers will be prepared (including analysis of carrots and sticks to achieve our objective).

7. Also prior to the Fall explorations, Smith should consult with key Congressional leaders (Church, Jackson, Glenn, Percy, and McClure on the Senate side; and Zablocki, Bingham and Findley on the House side).

8. The USSR and PRC probably will not be major factors in a post-INFCE regime including multinational arrangements. Nonetheless, their participation should be sought.

9. Consideration should be given to raising the Pakistan issue at the 1980 Summit.

**376. Memorandum From the Executive Secretary of the  
Department of State (Tarnoff) to Denis Clift of the National  
Security Council Staff<sup>1</sup>**

Washington, October 12, 1979

SUBJECT

Status Report on Current Non-Proliferation Issues

In response to your request,<sup>2</sup> we have prepared the following brief summary of current non-proliferation issues. Please let me know if you wish further elaboration on any of these issues.

*Pakistan* (Secret/Nodis)

Pakistan continues to pursue a nuclear explosive capability, including development of enrichment and reprocessing facilities to acquire weapons useable material and development of the non-nuclear elements of a nuclear explosive device. We believe that Pakistan will not be able to accumulate enough fissile material from its enrichment and reprocessing activities for a nuclear explosive for at least two to three years, but there are recurring reports that Pakistan might test a device within the next six months, perhaps with material acquired from abroad. We cannot exclude this possibility.

We have terminated foreign assistance to Pakistan in accordance with the Symington amendment<sup>3</sup> (PL-480 continues), and we have repeatedly told high levels of the Pakistan government that we will not be able to respond to its legitimate security and economic development needs as long as it continues its present nuclear activities. Some of our allies, the PRC and the Soviet Union have also expressed their concerns to the GOP.

Foreign Affairs advisor Agha Shahi will be in Washington next week for consultation on security questions, including the nuclear issue. We are also consulting with our allies with a view to developing a common approach to the Pakistan problem.

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<sup>1</sup> Source: Carter Library, Papers of Walter F. Mondale, Box 2, Talking Points for Foreign Policy Breakfasts: 7/79-12/79. Secret; Nodis; Eyes Only.

<sup>2</sup> Not found.

<sup>3</sup> The Symington amendment introduced by Senator Stuart Symington (D-Missouri) required the President, when furnishing development assistance under the Foreign Assistance Act of 1961 and making sales under the Agricultural Trade Development and Assistance Act of 1954, to take into account (1) "the percentage of the recipient or purchasing country's budget which is devoted to military purposes, and (2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment." (The Foreign Assistance Act of 1967, P.L. 90-137, approved on November 14, 1967; 81 Stat. 459)

[Pages 2 and 3 of this document are missing] conclusively what has taken place. We have informed key Allies of these indications and are now attempting to verify the indications by independent means. This information is being very closely held.

This development complicates an already difficult situation in regard to South Africa's nuclear activities. South Africa has not moved forward with a package settlement we proposed last year by which it would place its enrichment facility (which is capable of producing weapons-useable material) under safeguards and adhere to the NPT in return for resumed US supply of fuel for its research reactor and fulfillment of our commitment to supply fuel for the two power reactors it is acquiring from France.

We have prodded South Africa toward resolutions of the nuclear issue and have also discussed the problem with France, the only other state with leverage in the nuclear area with South Africa. France has informed South Africa that it will not undercut the position we have taken. We are now considering internally additional steps that might be taken.

*Harmonization of Policies with Key States on the Nuclear Fuel Cycle*  
(Confidential)

The International Fuel Cycle Evaluation (INFCE) will formally end next February but most of its reports have been written. INFCE has played a useful role in developing a basis for fuel cycle decisions, but it is a technical study, not a negotiation, and as such will not, in itself, resolve differences on fuel cycle issues. It has, however, provided for a pause and a number of useful conclusions from a non-proliferation point of view.

We have begun informal consultations with key countries (primarily France, UK, FRG and Japan) on developing common approaches to outstanding nuclear issues. The key issues involve ground rules and institutions for sensitive nuclear facilities and material, particularly reprocessing plants and plutonium. Most of the other major countries are also now looking for ways to resolve remaining issues, and we need to accelerate our discussions if we are to have maximum impact.

We are seeking a consensus including (1) plutonium use is appropriate in breeder and advanced reactor development in states with large electrical grids; (2) recycle of plutonium in light water reactors should be avoided because it is only marginally economic and poses a serious proliferation risk (it could result in early separation and use of plutonium in any state with a reactor); (3) development of new reprocessing capacity should thus be limited to the requirements for plutonium for breeder and advanced reactor R&D and development of both

enrichment and reprocessing facilities should be related to international capacity rather than strictly national needs; and (4) sensitive facilities be subject to appropriate institutional arrangements and incorporate feasible technical barriers to misuse and improved safeguards.

We are making progress, but key issues remain to be resolved. Ambassador Gerard Smith is planning shortly to begin consultations with key countries on a post-INFCE framework. We hope to reach agreement on elements of such a framework before the seven-nation Summit next summer in Venice.

**Peter Tarnoff<sup>4</sup>**  
*Executive Secretary*

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<sup>4</sup> Tarnoff signed the memorandum "Peter."

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### **377. Memorandum From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to Secretary of State Vance<sup>1</sup>**

Washington, November 20, 1979

#### *Recent Consultations in Europe on Nonproliferation*

After visiting FRG, France, UK, Belgium and The Netherlands (and consulting the Japanese in Washington),<sup>2</sup> our impressions about realistic post-INFCE possibilities are:

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 41, Proliferation: 11/79-5/80. Confidential. Copies were sent to Christopher, Benson, Pickering, Duncan, and Owen.

<sup>2</sup> Reports on these discussions are in telegram 19652 from Bonn, November 2 (National Archives, RG 59, Central Foreign Policy File, D790507-0778); telegram 35420 from Paris, November 9 (National Archives, RG 59, Central Foreign Policy File, D790521-0650); telegram 21817 from London, November 5 (National Archives, RG 59, Central Foreign Policy File, D790508-1128); telegram 6677 from The Hague, November 6 (National Archives, RG 59, Central Foreign Policy File, D790518-0230); telegram 6678 from The Hague, November 6; (National Archives, RG 59, Central Foreign Policy File, D790518-0175); and telegram 296435 to Tokyo, November 15. (National Archives, RG 59, Central Foreign Policy File, D790525-0776)

## I

Although these countries are more sensitive to the risks of proliferation than two years ago, they seem more set than we on giving their own energy needs first priority. They are concerned about spread of reprocessing and enrichment plants and weapons-grade materials. But, they believe we place too much emphasis on risks of diversion from nuclear power programs as compared with dedicated production programs, and that we are over-emphasizing the risks of plutonium separation and use as compared with risks from spread of enrichment facilities and accumulation of spent fuel.

Our allies are very much concerned about the lack of predictability of supplier states' actions, especially the United States, primarily with respect to approving the reprocessing of spent fuel and use of plutonium. There is still general disapproval of and resentment against the Nuclear Nonproliferation Act of 1978 because of its requirements on these points. The prevailing view is that these requirements are more likely to be a stimulus, than an impediment, to the spread of sensitive facilities and materials.

## II

On breeders, thermal recycle of plutonium and the need for reprocessing for waste disposal, there is some convergence of American and other advanced countries' views.

All believe it necessary for advanced states to continue R&D on breeders as a high priority. With fewer energy options, the others feel this more strongly than we do. But none—not even the French—are prepared now to make a flat commitment to breeder commercialization, although they and the Japanese expect to do so within the next decade.

They all accept that the economic advantage of thermal recycle is at present marginal, at best, and that decisions about recycle will be made on other grounds—assurance of supply and the perceived advantage by some of reprocessing for waste disposal and the need in this case to burn up the resulting plutonium.

The Germans are committed *in principle* to reprocessing as a precondition to waste disposal and feel that reopening the question would jeopardize their already politically fragile nuclear power program. However, there is increasing acknowledgment that reprocessing is not required to dispose of waste safely. In fact, in the Free World, except for France and UK, there is likely to be little commercial reprocessing of spent fuel for years.

## III

With the end of INFCE approaching and the NPT Review Conference in August 1980, our major problem will be to deal with pressures

for a general agreement on conditions for nuclear supply. There is a risk that others will favor conditions which would be so permissive as to seriously undercut our nonproliferation efforts. If, on the other hand, the conditions appear discriminatory, it will be a formidable problem to gain their acceptance by states other than those favored. Acceptance will have to be based on common approaches, at least among key suppliers and consumers, since our leverage as a supplier has diminished. If we can make some accommodations, a consensus may develop among the advanced countries that will be acceptable to most developing states and assist us and other suppliers in dealing with the countries of greatest concern from a nonproliferation point of view. We envisage an evolutionary, or building-block, process—not a grand design.

#### IV

The two most promising prospects appear to be full-scope safeguards (FSS) and an effective international plutonium storage (IPS) system.

The French have so far blocked FSS as a norm for nuclear trade. It may soon be possible to get them, and other major supplier nations, to agree to condition exports on IAEA safeguards on all peaceful nuclear activities, though the French may wish to withhold this step pending resolution of our differences with respect to U.S. consent rights over U.S. origin spent fuel reprocessed in EURATOM countries and over plutonium derived therefrom.

An IAEA study is underway on an IPS and some Europeans are committed to its early realization—with or without the U.S. There are unresolved issues with respect to the extent of coverage (i.e., whether IPS should follow plutonium from the time of separation until it is back in a reactor), and on the question of authority for release of plutonium. We can probably influence developments in ways consistent with our nonproliferation objectives if we weigh in heavily and can hold out the prospect that exercise of U.S. consent rights with respect to plutonium release could be affected *if* the IPS has authority to prevent release in the absence of a clear and reasonable need and satisfaction of other agreed conditions.

As noted, our allies and others are very concerned about the lack of predictability in our nuclear supply actions and the exercise of our consent rights for reprocessing. Their attitude toward IPS can be influenced by its relation to the exercise of these consent rights. To influence the development of a post-INFCE consensus, we will need to work out guidelines concerning the exercise of our consent rights.

#### V

Aside from IPS, there is little interest in the advanced countries in early multinationalization of fuel cycle facilities, although the UK,

France and Belgium have indicated willingness to consider some additive anti-proliferation measures beyond safeguards in order to set a desirable precedent.

## VI

In order to meet possible criticism at the NPT Review Conference, the UK and France indicated interest in exploring possible initiatives prior to the Conference to provide further assistance to developing countries in assessing their energy needs and dealing with the problems of nuclear power (e.g., reactor safety).

## VII

We will continue to consult these and other states, including developing countries. It seems unlikely that any new arrangements will be ready for agreement next year.

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### **378. Letter From Secretary of State Vance to French Foreign Minister François-Poncet<sup>1</sup>**

Washington, December 1, 1979

Dear Jean:

Ambassador Gerard Smith has reported to me on the useful discussions he recently held in Paris on finding common approaches to a post-INFCE regime for international nuclear commerce.<sup>2</sup> He advised me that you are planning to consider this subject at an inter-Ministerial meeting to be held on December 10. In that connection, I urge you to give special consideration to the goal of achieving comprehensive, full-scope international safeguards coverage in non-nuclear-weapon states. We believe the urgency of achieving this goal has greatly increased, and hope that France may now find it possible to adopt, in parallel with other major supplier states, a policy of making new commitments for cooperation with non-nuclear-weapon states in the civil uses of nuclear energy only with those that accept a binding obligation to place all present and future nuclear facilities under international safeguards.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 47, Proliferation: INFCE (Post): 9/79–1/80. Confidential.

<sup>2</sup> See Document 377.

In looking at the countries of special proliferation concern—including India, Pakistan, Israel and South Africa—we find it striking that each of them has endeavored to produce weapons-usable material in *unsafeguarded* nuclear facilities. Thus they can proceed down the path of nuclear explosive development, pointing out that they are violating no international undertakings, while at the same time enjoying the benefits of international cooperation with their nuclear power program. We believe it is time to try to plug this loophole by facing them with a choice.

We do not believe this would involve any serious sacrifice of market opportunities, since the number of potential customers who have not already agreed to accept full-scope safeguards has become very small, and some of these are now moving toward such acceptance. Moreover, a common policy requiring full-scope safeguards would avoid the unfortunate type of situation we have been witnessing in the competition for Argentine sales,<sup>3</sup> where perceived differences in safeguards requirements appear to have influenced the award of the contracts.

If you are prepared to move with us in this direction, we see more advantage to having the supplier states who are members of the NPT announce at the NPT Review Conference their adoption of full-scope safeguards as a condition of future supply commitments. I believe this would significantly strengthen support for the Treaty by defusing the arguments of the developing world that NPT Parties derive no real benefits and are, in fact, penalized with regard to conditions of nuclear supply compared to non-NPT Parties. While we realize France is, of course, not a party to the NPT, your support for this new policy would be extremely important in bringing the NPT supplier states along, and we hope you could take whatever parallel action seemed suitable to make clear your approach at that time.

We understand the possible reluctance of a supplier state to require its customers to have safeguards on materials that are not traceable to its own exports. But we are convinced that this requirement is necessary not only to prevent additional states from nuclear explosive development but also to achieve *effective* safeguards on one's own exports. Examples of why we believe this is so are set forth in the enclosure.<sup>4</sup>

As you know, President Carter attaches considerable importance to this goal, and I would appreciate your calling this letter to the atten-

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<sup>3</sup> See Document 420.

<sup>4</sup> Attached but not printed.



tion of President Giscard d'Estaing prior to the inter-Ministerial meeting.

Sincerely,

Cy<sup>5</sup>

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<sup>5</sup> Vance signed the letter "Cy."

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**379. Memorandum From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to President Carter<sup>1</sup>**

Washington, February 16, 1980

SUBJECT

Nonproliferation Strategy for 1980 and Beyond

The purpose of this memorandum is to seek approval of a general strategy to improve our nonproliferation policy in 1980. We will ask for authority to make specific moves as required. The strategy in large part makes elements of our current policy more detailed and specific. The most critical issues involve (i) European and Japanese reprocessing of U.S. origin material and use of the resulting plutonium and (ii) improvements to the nonproliferation regime. Nothing proposed for 1980 would require any change in the law.

I

At the start of your administration, it was important promptly to increase awareness of the need to slow the spread of sensitive facilities which were making control of nuclear proliferation more difficult.

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 6, Non-Proliferation. Secret. Sent under cover of a February 19 memorandum from Vance to Carter. Vance advised Carter to approve "the general strategy he [Smith] is suggesting" and noted that as the INFCE "draws to a close, it is important that we remove unnecessary causes of division with our Allies which do not help nonproliferation, and that we begin to build a better international nonproliferation regime. An indispensable element is that the U.S. be considered a reliable and predictable supplier."

Since 1977, the International Nuclear Fuel Cycle Evaluation (INFCE), which you initiated, and bilateral discussions have provided us and others with better perceptions of both the problems and possible solutions.

Several things have become clear:

1. We are seen to be an unreliable supplier and ambivalent about nuclear power.<sup>2</sup> Alternate suppliers are emerging and our influence over nuclear trade and programs is becoming increasingly limited. Our influence over reprocessing and plutonium use is particularly limited in that we lack consent rights regarding EURATOM countries and cannot politically treat Japan less favorably than Europe.

2. While for domestic reasons many nuclear programs have been slowed in recent years and the proliferation dangers inherent in plutonium based fuel cycles are now better perceived (in large part as a result of U.S. efforts), breeder and advanced reactor options are still perceived to be of great importance by major countries in Europe and Japan. These programs will continue even if we do not agree; their importance is affirmed by INFCE. To the extent U.S. policy attempts to interfere with these programs, it is seen to threaten these countries' energy security.<sup>3</sup>

3. The NPT regime is the foundation of nonproliferation policy but is increasingly attacked by countries who see nuclear suppliers as not keeping their part of the bargain—"fullest possible exchange . . . for the peaceful uses of nuclear energy." U.S. policy is singled out as particularly damaging.

4. We need to develop a joint strategy with the major suppliers (our allies with the most advanced nuclear programs—UK, France, FRG, Japan) to (a) improve the nonproliferation regime and (b) agree on criteria for plutonium uses and related reprocessing.

5. We need also to make NPT or equivalent (Tlatelolco) obligations more attractive, provide greater supply assurances to countries ac-

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<sup>2</sup> Vance underlined the phrase "an unreliable supplier and ambivalent about nuclear power" and wrote in the left-hand margin next to this paragraph: "You need to tell us whether we are unreliable because of Exec. branch policy, because of Cong. legislation or both—Being unreliable may not be as bad as giving materials which lead countries to have capabilities without safeguards."

<sup>3</sup> Vance underlined the words "their importance is affirmed by INFCE" and "interfere" in this paragraph. In the left-hand margin next to this paragraph, Vance wrote "in preparation for this meeting you need a brief summary of INFCE conclusion and a comment as to why we were not successful in convincing people of our views on the dangers. This summary could either be a TAB, or if short enough in the talker. Do we now accept the INFCE conclusion? Do we accept that interference threatens their energy security?" An unknown hand wrote "in part."

cepting these obligations, and isolate to a greater extent the problem countries.<sup>4</sup>

## II

We face major decisions in 1980 that were deferred for the period of INFCE. These involve requests for consent to reprocessing of U.S. origin fuel in France, the UK and Japan; the conditions of our consent to the use of the resulting plutonium; and the EURATOM renegotiation aimed at giving us such consent rights where we will have to specify how we would exercise them. We also face decisions on implementation of the statutory requirement that countries with which we cooperate have safeguards on all their nuclear activities (full-scope safeguards). And, we face an NPT Review Conference in August, where restraints on international nuclear cooperation will be a major issue.

Following INFCE's concluding Plenary February 25–27, we should demonstrate that its analysis is being taken into account in U.S. policy and that we are willing to become a more reliable supplier. This is essential if we are to limit the spread of sensitive facilities and stop the current move towards multilateral negotiations of criteria for nuclear trade which could result in U.S. isolation, North-South confrontation and setbacks for our nonproliferation policy.<sup>5</sup>

Beyond 1980, we should consider amendment of the NNPA to (i) eliminate its retroactive provisions, and (ii) if not already accomplished by reorganization plan, relieve the NRC of its role in export control (except possibly with respect to safety). These issues need not, however, now be resolved, and nothing proposed in this memorandum limits your freedom of action here.

## III

Any strategy to reduce proliferation risks associated with the fuel cycle must begin with the other major suppliers. Without their support, U.S. nonproliferation policy can have only limited effect.<sup>6</sup>

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<sup>4</sup> Vance underlined the phrase "greater supply assurances to countries accepting these obligations, and isolate" and wrote in the left-hand margin "what is the example of countries where we have not given supply assurances when they have accepted safeguards." An unknown hand wrote: "NPA enjoins us to do better but we don't;" "none;" "case-by-case basis only and general policy;" "5 yr licensing recently. But most want link licensing to life of reactor;" and "For breeder reactors (INFCE agrees only with lgr countries) can have [illegible] for govts using spent fuel for reprocessing now have [illegible] consent (transfer or reprocess), Regularize. In return, defer thermal recycle. Breeders and adv reactors are most."

<sup>5</sup> In the left-hand margin next to this paragraph an unknown hand bracketed the first sentence, drew a line toward the word "stop" and wrote "?"

<sup>6</sup> An unknown hand bracketed this paragraph in the left-hand margin.

These countries are allies, have accepted NPT or equivalent obligations, and have large electric grids and advanced nuclear programs. Their investigation or pursuit of breeders and other advanced fuel cycle option is understandable.

The proposed strategy involves private negotiations with these countries aimed at achieving a bargain that helps meet their wish for more predictable use of U.S. origin spent fuel, our wish to avoid precedents which could lead to premature spread of plutonium, and our mutual interest in an improved nonproliferation regime.<sup>7</sup> In addition, the strategy seeks to reduce apparent discrimination by providing (i) for new benefits to those accepting NPT or equivalent obligations and (ii) for the possibility of additional countries joining the preferred group when their programs and nonproliferation assurances warrant.<sup>8</sup>

The highlights of the strategy are:<sup>9</sup>

1. To seek supplier and other support for (a) making NPT or equivalent full-scope safeguards (FSS) a condition of new supply commitments; (b) relating reprocessing and plutonium use to well defined, reasonably safe and limited, programs (breeders and advanced reactors) and deferring commitments to commercial thermal recycle; (c) an effective international plutonium storage (IPS) regime; and (d) enhanced cooperation in dealing with countries posing significant proliferation risks.<sup>10</sup>

2. To provide U.S. agreement for a period of years for the advanced countries (in EURATOM and Japan) to reprocess U.S. origin spent fuel and use the resulting plutonium in well defined breeder and advanced reactor programs.

3. To provide new benefits, including longer term and possibly up to "life-of-reactor" fuel assurance (LEU), to countries which accept NPT or equivalent FSS and do not otherwise demonstrably pose a significant proliferation risk.<sup>11</sup>

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<sup>7</sup> An unknown hand bracketed the first three lines of this paragraph in the left-hand margin.

<sup>8</sup> Vance underlined the words "new benefits to" and wrote in the left-hand margin next to this paragraph "we move from sticks to carrots and back and forth, depending on what has not worked recently."

<sup>9</sup> See Tab A for details. [Footnote is in the original.]

<sup>10</sup> In the left-hand margin next to this paragraph an unknown hand wrote "Do tab on breeder thermal—Adv Reac."

<sup>11</sup> Vance bracketed the phrase "to countries which accept NPT or equivalent FSS and do not otherwise demonstrably pose a significant risk" and wrote in the left-hand margin "Who are these countries—I doubt they are the ones we should pay much attention to." An unknown hand wrote "Korea, Yugoslavia, Rumania (politically important in NPT context)."

## IV

Much of this proposed 1980 strategy is consistent with present policy; none of it requires changes in law. The principal differences involve (i) longer term and possibly up to “life-of-reactor” fuel assurance, (ii) agreement for a period of years for the advanced countries to reprocess U.S. origin spent fuel and use the resulting plutonium for breeder and advanced reactor RD&D, and (iii) support for an effective IPS. (These differences and their rationale are discussed in Tabs C, G and H.)<sup>12</sup>

## V

I propose we:

1. Conduct negotiations along these lines in 1980.
2. Seek the support of other suppliers for increased fuel supply assurance and appropriate technical assistance and cooperation for NPT or equivalent countries, particularly developing countries.<sup>13</sup>

Attachments:

Tab A - Summary of Strategy

Tab B - Country Distinction Analysis

Tab C - Major Differences Between Proposed Strategy and Current Policy

Tab D - Foreign Reactions to U.S. Policy and Law

Tab E - Summary of INFCE Results

Tab F - Views on Major Problems and Opportunities for the Post-INFCE Period

Tab G - Issues Paper on Approval of Reprocessing and Plutonium Use

Tab H - Issues Paper on International Plutonium Storage<sup>14</sup>

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<sup>12</sup> Vance bracketed the phrase “countries to reprocess U.S. origin spent fuel and use the resulting plutonium for breeder and advanced reactor RD&D, and (iii) support for an effective IPS” and wrote in the left-hand margin “with limits on transfer?” An unknown hand wrote “Yes. Negotiated.”

<sup>13</sup> Carter did not indicate a preference with respect to the recommendation.

<sup>14</sup> Tabs A–H are attached but not printed.

**380. Paper Prepared in the Department of State<sup>1</sup>**

Washington, undated

*Summary of INFCE*

The President emphasized at INFCE's 1977 opening session the need for greater mutual understanding of nuclear fuel cycle problems and opportunities with a view to finding "common ground" regarding the role of nuclear energy and prevention of proliferation. It was agreed by the participating countries to proceed with INFCE as a technical study which would not jeopardize their respective fuel cycle policies and not be binding on them.

INFCE is now completed with the following results:

1. Although it began with tension and suspicion of US motives, the INFCE dialogue has eased tensions, eliminated misunderstandings regarding US policy, and provided a basis for common approaches. INFCE reflects both varying views and "common ground". The President has indicated we would take INFCE results into account; this is consistent with the law which states that its provisions shall not prejudice objective consideration of these results.

2. There is now broad international acceptance of the proposition that, while proliferation is basically a political problem, fuel cycle weapons usable material (plutonium and high enriched uranium), and technology from which it can be obtained, pose proliferation risks.

3. Different national situations (e.g., lack of energy resources or indigenous uranium) can lead to different fuel cycle choices. Although views differ on timing, and INFCE is overly optimistic, regarding commercialization, exploration of breeder and advanced reactor options (using plutonium) is attractive to countries with large electric grids and advanced nuclear programs. But recycle of plutonium in current generation reactors (thermal recycle) is economically marginal, although some wish to preserve the option for energy security. These factors could justify distinctions between breeder programs in advanced countries and widespread use of plutonium wherever there are reactors.

4. INFCE did not endorse any fuel cycle as being more proliferation resistant than another; nor did it identify any technical fix for proliferation risks. It did single out the importance of improved IAEA safeguards; international plutonium storage; limits on, or multinational approaches to, sensitive facilities (enrichment and reprocessing); and

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 53, Proliferation: Smith (Gerard) Initiative: 11/79-4/80. Confidential. Sent under cover of a March 5 memorandum from Smith to Owen.

reduced enrichment levels for research fuel. INFCE also concluded that reprocessing was not a necessary precondition for waste disposal.

5. Based as they are on 1977 data, INFCE's nuclear power projections are greatly exaggerated (the US component (50% of the total) is now 30% lower for 1995); the low estimate looks more like a realistic high. Under this low case, there will be more than enough uranium to supply reactors well into the next century without breeders, and present and planned enrichment capacity is sufficient to the end of the century. This availability of uranium and enrichment services reduces the urgency of breeders and thermal recycle.

6. While recognizing that nuclear supply assurance and nonproliferation assurance are complementary, INFCE expresses concern over unpredictability in nuclear export policies and in the exercise of rights regarding reprocessing and plutonium use (i.e., US and Canadian policies). INFCE notes that international nuclear markets have worked reasonably well in the past, but asserts that continuing uncertainty in supply policies could cause future damage to power programs. It urges common approaches satisfactory to both suppliers and consumers.

7. INFCE is moderate on developing country needs and asserts that nuclear power is not a panacea.

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### 381. Minutes of a Special Policy Review Committee Meeting<sup>1</sup>

Washington, April 9, 1980, 4:00–5:30 p.m.

#### SUBJECT

Non-Proliferation Matters and Tarapur Fuel Licenses

#### PARTICIPANTS

*White House*

Mr. David Aaron

Ambassador Henry Owen

*State*

Secretary Cyrus Vance

Deputy Secretary Warren Christopher

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 79, PRC 137, Non-Proliferation, Tarapur: 4/9/80. Secret. The meeting took place in the White House Situation Room. The minutes devoted to Tarapur are scheduled to be printed in *Foreign Relations, 1977–1980*, vol. XIX, South Asia.

Ambassador Gerard Smith (Ambassador-at-Large and Special Representative of the President for Non-Proliferation)

Mr. Frank Hodsoll (Deputy Special US Representative for Non-Proliferation Matters)

Ms. Jane Coon (Deputy Assistant Secretary) (Tarapur only)

*OSD*

Deputy Secretary W. Graham Clayton, Jr.

Mr. Walter Slocombe (Deputy Under Secretary for Policy Planning)

*Energy*

Mr. Worth Bateman (Acting Under Secretary)

Deputy Secretary John Sawhill

Dr. George Cunningham (Assistant Secretary for Nuclear Energy)

*JCS*

General David Jones

*DCI*

Admiral Stansfield Turner

[*name not declassified*] (Special Assistant for Nuclear Proliferation Intelligence)

*ACDA*

Mr. Spurgeon Keeny (Deputy Director)

Mr. Charles Van Doren (Assistant Director, Non-Proliferation Bureau)

*OSTP*

Dr. Frank Press

Mr. Benjamin Huberman

*OMB*

Dr. John White

Mr. Dan Taft (Deputy Associate Director Special Studies Division)

*CEQ*

Mr. Gus Speth

*Domestic Policy*

Mr. Stuart Eizenstat

Ms. Kitty Schirmer

*NSC*

Dr. Lincoln Bloomfield

Mr. Jerry Oplinger

Mr. Thomas Thornton

*Vance* opened the meeting by stating that the objectives of the President's 1977 non-proliferation policies remain valid. But do our assumptions about how to achieve those objectives? Our policies have not been as effective as we hoped, and have caused resentment with our Allies. We have to respond to their energy needs, and this could lead to a better non-proliferation regime. Smith's proposals<sup>2</sup> have been approved by DoE and ACDA, and we should try to agree to send the paper forward to the President as soon as possible. (S)

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<sup>2</sup> See Document 379.



*Smith* said that in preparing his paper, he did not want to demean the President's 1977 policies. Those policies have greatly increased international awareness that the fuel cycle is a "dangerous beast." Our successes include persuading the FRG and France not to export sensitive technologies, turning off dangerous developments in Korea and Taiwan, and cancellation of the reprocessing contract in Pakistan. INFCE came out better than expected. On MB-10 issues, while there has been a fair amount of static, we did not turn any down. Our failures include the FRG/Brazil deal, Argentina and our efforts to use organized sanctions in Pakistan. We have not made a dent on India, and have not made much progress with South Africa, although we probably did manage to abort a test. (S)

We now face the problem of the post-INFCE period and the NPT Review Conference. The law requires us to get consent rights over reprocessing in the US–EURATOM agreement. Europeans have hinted that they might be willing to give us the juridical right if there were an implied understanding on how we would exercise it. The Japanese plan to build a large reprocessing plant; they want predictability in meeting their plutonium requirements. (S)

*Smith* said that we have essentially three options: to continue on our present course, which would not get us to our 1977 objectives; to follow the course advocated by the UK (a universal code of nuclear trade)<sup>3</sup> which is dangerous, or to become more flexible and try to build a better regime. The proposals put forward would not require a change in the law, but he personally hoped that we would change it later. (S)

*Smith* defined the regime he seeks as including:

- full-scope safeguards as a common supplier requirement for new export commitments;
- deferral of thermal recycle;
- IPS;
- reaffirmation and perhaps extension of FRG and French policies not to export enrichment and reprocessing technology;
- enhanced cooperation in dealing with mavericks; and
- multinational auspices for sensitive facilities. (S)

*Smith* said that what he seeks now is approval of *planning assumptions*; i.e. authority to take soundings in some depth on the Hill and abroad, particularly on the central question of relaxing our MB-10 policy to permit generic approval of reprocessing and plutonium use in advanced countries. (S)

There was some discussion of which countries might qualify for this treatment. Would Korea, for example, qualify? *Smith* said that the

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<sup>3</sup> Not found.

scheme was intended to have an evolutionary character, if Korea and Taiwan want in, it would be hard to say no. (S)

*Smith* said that he also wanted to offer long-term fuel licenses; for NPT parties he would issue licenses for the life of the reactor. (S)

*Smith* said that if we fail to do something along these lines, our policy would begin to fall apart. Other countries are turning to the Soviets; Europe is currently doing more enrichment for Europe than the US. They are also building their own enrichment plants. He did not think that the changes would have any affect on domestic nuclear programs such as Barnwell and Clinch River. He had talked to Congressman Bingham and other staffers; we would run into some static, but there are other Congressmen who will believe the changes don't go far enough. (S)

*Owen* asked exactly what the President is being asked to decide; would it be authority to open negotiations. *Smith* said it would be authority to go ahead with Congress and Japan and Europe, with the President's approval to be sought before we get locked in. It is hard to define when he would come back to the President; perhaps before we give them specific proposals. But the President would be free to change the timing or substance as we go along. (S)

*Smith* said that no concessions would be agreed until everything in the package was agreed; the "deal" is a whole package. (S)

As for the risks of public perception of a major change, *Smith* said that is why he regards his proposals as planning assumptions. At the end of the negotiation, he felt that the public would accept the result. (S)

Asked about the acceptability of relaxing our MB-10 policy only for some countries, and not for advanced LDC's like Brazil, Argentina and Taiwan, *Smith* said Argentina won't be producing plutonium in quantities until the next decade. He could not predict the future, but full-scope would help to prevent new deals without adequate safeguards. (S)

*Aaron* said that what the US would give up is clear; it is not clear what we would require in return. There would be increased flow on plutonium, but the regime the flow goes into is not very clear. The goal of better cooperation for problem countries may become a constantly moving target; others will pocket our concessions but it is not clear we will get the desired return. (S)

*Smith* said that if we only succeed in getting an effective IPS, we would be better off than now. (S)

*Eisenstat* said he had real concerns on the signal this change would send with regard to our position on Clinch River and domestic reprocessing; he wanted to consider this further and take Congressional

soundings. We have a great deal of water to carry on the Hill already with energy matters and the NRC reorganization plan. He did not want to set off a wave of indignation among those who have supported the President. He reserved his position. (S)

*Keeny* agreed that Smith's proposals would be helpful to non-proliferation. We should be clear about the package of quids. Generic approval of MB-10's should not constrain us in arguing against premature plutonium commitments, and IPS should not be taken as a green light for reprocessing. We should retain our bilateral approval rights in establishing an IPS. (S)

*Speth* said that the effect of the proposals would be to put the US stamp of approval on reprocessing and plutonium use. In the long run, the policy would be based on an explicitly discriminatory regime. He felt that the paper presented one point of view; the President needs to hear the contrary case. He felt this might be presented by the NSC. He was not optimistic that the line that we were not radically changing the policy would wash, and felt that Bingham, Zablocki and others would be very skeptical. (S)

*Aaron* said he had reservations about Congressional explorations. That could trigger newspaper stories about a major change in policy. He felt we need a systematic study of all options. Smith's proposals may be better than other ideas, but the questions of quids, other options, and the effect on near-proliferators needed to be closely analyzed. He also felt it was important to look at the question of timing. (S)

*Claytor* said he thought Smith was absolutely right and it was time to move. (S)

*Jones* also supported Smith. (S)

*Vance* said a working group would be established to produce a full options paper in two weeks. (S)

[Omitted here is material related to Tarapur fuel licenses]

### 382. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance<sup>1</sup>

Washington, April 18, 1980

#### SUBJECT

April 9 PRC on Non-Proliferation Issues (C)

The President has approved the PRC decision at the April 9 meeting that an interagency working group should prepare a paper providing a systematic analysis of a full range of options for our post-INFCE non-proliferation strategy. (S)

The analysis should include consideration of the following specifics:

#### 1. MB-10 Policy<sup>2</sup>

—the criteria which would be used to distinguish FBR and ATR research, development and demonstration programs from “commercialization” in approving requests for plutonium return and/or use;

—a quantitative analysis, through the year 2000, of projected accumulations of separated plutonium, and of the requirements of breeder and ATR programs in EURATOM and Japan, under each of the MB-10 options considered;

—how each MB-10 option would be applied to countries, other than Japan and EURATOM, and the political and non-proliferation implications of distinguishing between categories of countries. (S)

#### 2. Quid Pro Quos

The analysis should consider a full range of non-proliferation commitments which might be sought from EURATOM and Japan in return for modifications of US MB-10 policy, including continued US prior consent rights over the disposition of US supplied or derived materials used in EURATOM and Japanese breeder and ATR programs. (S)

#### 3. International Plutonium Storage

The paper should specify in some detail the characteristics of an IPS regime which we would regard as effective, including the definition of “excess” plutonium, release conditions, and verification mechanisms. In particular, it should discuss whether a negotiable IPS would restrict plutonium release to certain countries (e.g. those meeting agreed economic criteria) or end-uses, whether the US and other suppliers would apply such restrictions to plutonium entering the IPS, and

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 79, PRC 137, Non-Proliferation, Tarapur: 4/9/80. Secret. Also sent to Brown, Duncan, McIntyre, Eizenstat, Christopher, Earle, Speth, Jones, Turner, and Press.

<sup>2</sup> See footnote 5, Document 341.

how such restrictions, however applied, would affect the prospects for acceptance of IPS by countries of proliferation concern. (S)

**Zbigniew Brzezinski**

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**383. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, June 17, 1980

SUBJECT

Post-INFCE Explorations by Gerry Smith

At Tab A is Warren Christopher's paper on the timing of Gerry Smith's post-INFCE explorations with the Europeans and Japanese on his proposals for modifications in US non-proliferation policy. The paper is simply a listing of reasons for and against authorizing Smith to proceed; Christopher does not offer a recommendation.

In my view, your decision should be based on the following consideration. The decision on Tarapur<sup>2</sup> will encounter determined resistance on the Hill. Many there who applauded the policy you announced in 1977, see the Tarapur decision as a significant move away from that policy. Moreover, we face a growing coalition of opposition made up of those who oppose Tarapur on substance, and Reagan supporters who simply want to embarrass you.

No matter how tightly Smith's instructions are worded, his explorations will be seen as another deviation from your policy, generating further opposition on the Hill and among liberal supporters. The question is whether or not you want to address both of these issues simultaneously. I think not, and there is no need to do so since you can control the timing of the Smith initiative, waiting until after it has been fully reviewed in the normal NSC process.

**RECOMMENDATION**

That you *not* authorize Smith to conduct post-INFCE explorations at this time.<sup>3</sup>

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 52, Proliferation: Smith, Gerard, 3–6/80. Secret.

<sup>2</sup> On April 28, Carter approved the issuance of two pending licenses so that India could import enriched uranium from the United States for its nuclear power plant at Tarapur. For more on this decision, see *Foreign Relations, 1977–1980*, vol. XIX, South Asia.

<sup>3</sup> Carter checked the "Disapprove" option and wrote "J" underneath.

**Tab A****Memorandum From Acting Secretary of State Christopher to President Carter<sup>4</sup>**

Washington, undated

## SUBJECT

Post-INFCE Explorations

At the Friday foreign policy breakfast,<sup>5</sup> I promised to send you an analysis of advantages and risks to Gerry Smith's proceeding with post-INFCE explorations now, as opposed to after Tarapur is resolved by the Congress.

*Reasons for Not Going Ahead Now*

—Movement on this approach now could create public perceptions that “the Carter Administration is proposing to weaken its non-proliferation policy” or “the Carter Administration is changing signals on breeder reactor programs.”

—The Tarapur decision complicates our moving forward now with post-INFCE in two ways. First, both decisions will be characterized by some as U.S. non-proliferation retreats—Tarapur as a fall off of our commitment to full-scope safeguards, and post-INFCE as a retreat from our opposition to premature reprocessing and plutonium use. Second, it could be argued that our Tarapur decision is inconsistent with our post-INFCE explorations. That is, the Tarapur decision is based on the rationale of preserving controls over U.S.-origin material to prevent its reprocessing in India, whereas our post-INFCE explorations are designed to relax such controls where we have them in Europe and Japan outside of EURATOM.

—The approach could be characterized as helping European and Japanese nuclear programs (in particular breeder, advanced reactor and reprocessing programs) that might otherwise fail. And, our approach may not in fact achieve greater allied cooperation in improving the non-proliferation regime.

—The precedent of this approach could undercut our effort to prevent the spread of sensitive technology and material to countries outside Europe and Japan, or result in charges of discrimination by countries which we assert do not meet the necessary criteria.

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<sup>4</sup> Secret.

<sup>5</sup> June 13.

*Reasons for Going Ahead Now*

—Other countries expect us to take INFCE results into account, and key Allies have already approached us on harmonizing policies. If we do not move soon, the Australians (who are actively negotiating with EURATOM and Japan) could make agreements which would undercut our ability to limit reprocessing and plutonium use. We also need greater fuel supply assurances to meet anticipated criticism at the NPT Review Conference.

—Our supply leverage is diminishing and our reliability is in question. Failure to commence explorations now would risk our Allies' going their own way in their nuclear programs and making the issue an even greater irritant in our relations. We could also lose their cooperation in improving the non-proliferation regime, in particular deterring commercial thermal recycle.

—Going ahead with Tarapur and the post-INFCE explorations is entirely consistent. Both actions are designed to support the non-proliferation regime—in the case of Tarapur, to preserve safeguards and controls over U.S.-origin material in India; in the case of post-INFCE, to obtain limits and controls on U.S.-origin material in EURATOM (which we currently do not have) and greater non-proliferation cooperation generally including full-scope safeguards as a condition of *future* supply. Both decisions also serve broader foreign policy objectives.

—Post-INFCE explorations will be less sensitive politically than Tarapur, especially since they will be low-key, non-committal and confidential and would be only with Allies who are either NPT parties with full-scope safeguards or, in the case of France, a nuclear weapons state. USG consideration of post-INFCE options has already had some press play (particularly in the trade press). We have had extensive consultations with those most concerned in Congress, and no one has objected to further explorations.

*Options*

\_\_\_\_\_ Let Gerry Smith go ahead with explorations now.<sup>6</sup>

\_\_\_\_\_ Postpone Gerry Smith's explorations until after Congress acts on Tarapur.

(A copy of proposed instructions for Gerry Smith is attached for your convenience.)

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<sup>6</sup> Carter checked the "Let Gerry Smith go ahead with explorations now" and wrote "J" underneath.

## Attachment

### Draft Telegram<sup>7</sup>

Washington, undated

USIAEA for Ambassador Smith from Secretary. Subject: Post-INFCE Explorations.

1. SECRET (ENTIRE TEXT)

2. The President authorizes you on an absolutely non-committal basis (and in a low key and confidential manner) to explore with the major European governments and Japan arrangements by which they would agree to cooperate in strengthening the non-proliferation regime and limit the reprocessing of spent fuel and use of plutonium. Your purpose is to clarify what we might expect from our allies in return for greater predictability in the exercise of consent rights over the use of US-origin spent fuel. Based on these explorations, we would be better able to develop positions for the statutorily mandated renegotiation of our agreements with EURATOM, Japan, and certain other countries.

3. In your explorations, you should be guided by the following elements:

A. *What we would seek:*

—Deferral by the involved countries of commitments to commercial thermal recycle for a specified period.

—Limiting new reprocessing capacity to that required for breeder and advanced reactors and restraint in the separation of plutonium to avoid unnecessary stockpiling and pressures for thermal recycle.

—Support for development of an effective IPS and avoidance of excess national stockpiles of plutonium.

—Agreement by EURATOM and Japan to US consent rights called for in the NNPA.

—Continuing limits over US-origin material after use in breeder and advanced reactor RD&D programs.

—Increased commitments to spent fuel storage as our alternative to reprocessing.

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<sup>7</sup> Secret; Nodis. In the upper right-hand corner, Carter wrote "Let's let Gerry do this exploration of the idea on his own and report back to me. I may not wish to go forward with it. I'll discuss some in Venice [the Summit of Industrialized Nations, the G-7, to be held on June 22 and 23]—J.C."



—Improved cooperation in dealing with countries of proliferation concern, including concrete steps to strengthen restraints on exports of sensitive technology and material to such countries.

—Commitments to condition significant new nuclear supply commitments on NPT-type safeguards on future, as well as existing, facilities.

—Cooperation to make reprocessing associated with breeder reactors more proliferation resistant.

—Cooperation on improving the “once-through” cycle.

—Dedication of future enrichment capacity to produce low-enriched uranium only.

—Greater commitments of financial and technical resources and political support for development and implementation of improved IAEA safeguards.

*B. What we would consider offering:*

—The United States would adopt predictable ground rules for the exercise of US consent rights and control over reprocessing and use of plutonium in certain RD&D programs for breeder and advanced thermal reactors. Specifically, you may explore advance agreement to reprocessing of US-origin material in mutually agreed facilities for use of the resulting separated plutonium in certain agreed breeder and advanced reactor RD&D programs in advanced NPT or equivalent countries that meet certain criteria.

—You may indicate willingness to consider generic agreement to reprocessing in the United Kingdom and France for other countries that have good non-proliferation credentials, or no spent fuel storage alternatives, or where it is in our non-proliferation interest to remove spent fuel.

—You should also indicate the US is reviewing in the context of preparations for the NPT Review Conference, licensing of export of low-enriched fuel for a longer term than now, as well as backup assurances and increased technical assistance, to NPT parties with good non-proliferation credentials.

4. You should make clear that in return for flexibility on reprocessing and plutonium use we would expect agreement to improvements in the present non-proliferation regime, particularly a more helpful active role in dealing with problem countries. You should stress that no final policy decisions have as yet been made.

### 384. Memorandum of Conversation<sup>1</sup>

Washington, July 23, 1980

#### SUBJECT

Post-INFCE Explorations

#### PARTICIPANTS

*U.S.*

Ambassador Gerard Smith

Frank Hodsoll

*FRG*

Ambassador Peter Hermes

Mr. Stephan Von Welck

#### SUMMARY

Ambassador Smith opened the Post-INFCE discussion making clear he was continuing his personal and confidential explorations and that no US policy decisions had been made. Smith said that he had been authorized to explore (without commitment) ideas such as programmatic approvals of reprocessing and plutonium use, as a basis for the US/EURATOM renegotiation. Smith reviewed needed improvements in the non-proliferation regime (with particular emphasis on full-scope safeguards (FSS), better cooperation regarding problem countries, improved safeguards and avoiding premature or excessive plutonium separation). He stressed that progress on these elements would be needed if we were to move toward greater predictability in supply and retransfer relationships.

Ambassador Hermes stated he had conveyed our views on rescheduling the visit to Bonn to Lautenschlager and Haunschild. While he had not received final word he believed a Smith visit in September rather than August would probably be alright. We suggested September 12 as a possible date.

Hermes listened to our points which he said he would convey to Bonn. His questions focused on:

—How could we resolve the inconsistency of seeking NNPA conditions which were more onerous than those already set out in our international agreements?

—Who would have to agree to FSS and on what basis?

—How would the US distinguish the Indian case?

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 52, Proliferation: Smith, Gerard, 7/80. Confidential; Nodis.

—What would be the “designated areas” where advance consents to reprocessing of US-origin material and use of the resulting plutonium would be permitted?

—What problems did we see with our approach?

#### END SUMMARY

1. The meeting opened with a brief discussion of the current situation in Pakistan. Smith said he did not understand how Germany could doubt the proliferation risk in that country; Hermes responded that some of the information they had had not been accurate; they were aware only of relatively small scale basement operations. Smith responded that the Paks were proceeding with both reprocessing and enrichment; he suggested a lot had happened since our last technical briefing of the Germans and that perhaps a further technical discussion should take place. Hermes said he would take this up with Bonn.

2. Hermes then said he had conveyed to Bonn Smith’s preferences on timing of his post-INFCE Bonn trip. Our suggestion of September was probably OK; but, since Lautenschlager and Haunschild were on leave, Hermes would have to confirm later. Smith said that, if for any reason the FRG wanted him in Bonn in August, he would be prepared to go.

3. Smith then made the following points on his post-INFCE explorations:

—The President had authorized him to explore certain ideas.

—If key countries were willing to join together to modernize the non-proliferation regime, the U.S. might be able to make its rules on reprocessing of US-origin spent fuel, and plutonium use more flexible. We should be able to move to a programmatic, instead of case-by-case, approach. Would EURATOM give prior consent rights if we gave advance approvals for reprocessing and plutonium use in breeder and advanced reactor RD&D programs?

—If the President decides to move in this direction on reprocessing and plutonium use, it would only be in the context of broader movement toward non-proliferation improvements including:

—FSS.

—Better cooperation with problem countries (e.g., Pakistan).

—Substantially larger commitments to improving safeguards.

—New reprocessing capacity would be established only where needed for breeders.

—New enrichment capacity would be designed only for production of LEU.

—An effective IPS would be established.

4. Hodsoll then noted that we were in addition seeking expanded commitments to restrain the export of sensitive technologies, more proliferation resistant reprocessing, cooperation on “once through” fuel cycle and deferral of commercial thermal recycle.

5. Hermes asked what was the situation with regard to prior consent before the NNPA. Smith said we do not have consent rights now, and that in order to get such rights we might provide an "automatic OK" for specified programs. Hermes asked whether the FRG would "designate areas and the US would say yes or no". Smith said the FRG would initially designate the areas for programmatic consent.

6. Hermes noted that the US and FRG were now in a transitional period through March 1981.<sup>2</sup> Smith said that, if US-EURATOM negotiations were underway, the US could extend the deadline. Smith noted that we would have to cease exports to EURATOM unless the deadline were extended.

7. Hermes then asked if the new procedure being suggested by Smith would be tougher than the procedure that currently existed in EURATOM: i.e., US-origin material could be used for peaceful, safeguarded uses. Smith said the new procedure was required to comply with the NNPA. Hermes noted that the NNPA contravened the existing agreement with EURATOM countries. He asked what the impact of our law was on international agreements which he thought were "the supreme law of the land". Smith noted that he believed that under U.S. law legislation subsequent in time to a treaty superseded the treaty for US domestic purposes.

8. Hermes said the FRG wanted development of an effective IPS. He said the suggestions outlined by Smith constituted in effect "a grand design". Smith said we had to aim high to achieve improvements.

9. Smith then reported on our bilaterals with the UK<sup>3</sup> and France.<sup>4</sup> The French told us it would be difficult to predict future needs, but did not rule out in principle prior consent plus advance agreement on how it would be exercised. The UK similarly did not rule this out in principle, but were uncertain regarding their breeder program. Smith noted

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<sup>2</sup> Telegram 25455 to Paris, January 29, discussed Smith's January 14 and 16 bilateral discussions with the French on non-proliferation. Smith told the French Delegation "that a recommendation for a one-year extension of the EURATOM deadline" set to expire in March 1981 "to agree to US prior consent on reprocessing and plutonium use had been forwarded to the White House." (National Archives, RG 59, Central Foreign Policy File, D800052-0771)

<sup>3</sup> Telegram 14956 from London, July 15, reported that during the July 14 U.S.-UK bilateral meeting on post-INFCE explorations, the UK government said "principle of US-origin material and use of the derived plutonium not necessarily a problem, but predictability in exercise of such consent rights would be needed to prevent it becoming so." (National Archives, RG 59, Central Foreign Policy File, P80029-1100)

<sup>4</sup> No record of the U.S.-France bilateral talks has been found. Telegram 134778 to Bonn, May 22, reported that during the May 13 U.S.-FRG bilateral meeting on post-INFCE explorations, the FRG Delegation said "the FRG and France are united in their opposition to U.S. prior consent rights." (National Archives, RG 59, Central Foreign Policy File, D800252-0605)

he would be meeting with the Japanese next week and with the British and French again in September.

10. Smith stressed there would not be quick action in the US given our pending elections. He said he was trying to lay the groundwork for EURATOM negotiations thereafter.

11. Smith then noted a number of other matters in which he thought the Germans would be interested:

—We were considering longer-term licensing of LEU. Hermes thought this would be an important improvement.

—Our voluntary offer had been ratified by Senate.<sup>5</sup> Hermes said the FRG was pleased.

—The US was working on improved procedures for licensing exports of HEU.

—Carnesale would be a good NRC chairman.

12. Hermes then posed four sets of questions:

a. *FSS*. Would we get all suppliers to agree on an FSS approach that included enriched uranium and natural uranium, as well as equipment and technology? Specifically, would the USSR agree? Smith said the Soviets had indicated that if all other suppliers agreed they could agree to an FSS approach. There was no problem in Europe as all non-nuclear weapon states in Western Europe were NPT parties, and the UK and France had indicated willingness to place their civil facilities under safeguards. Hermes queried whether Italy, Switzerland and South Africa would agree to FSS. He noted that we needed today more countries to make FSS effective than when the Supplier Guidelines were agreed. He asked whether agreement would have to be multilateral and whether we planned to reconvene the NSG. Smith responded that we did not envisage reconvening the NSG, but assumed a series of bilateral agreements reflecting the FSS approach.

Hermes thought asking consumers to accept FSS as a condition of trade was a big undertaking. He wondered what the legal basis for it might be. Smith noted that the majority of countries had accepted FSS through NPT. Hermes said the problem was “the threshold countries”. These were not NPT parties. He asked: would our approach cause difficulty in the Argentine and Brazilian cases? Hodsoll stressed we were only talking about new commitments.

Hermes said the FRG “quite agreed on the principle of FSS for all countries.” The difficulty was not the principle, but the imposition of FSS on other countries. He reiterated the German view that it was better to “control, than deny, the have-nots”.

b. *Distinguishing Tarapur*. How does the US distinguish our FSS approach from our recent decision to support shipments of fuel to Tarapur? Smith responded that the NNPA permitted such shipments where license applications and shipments would have been made in time prior to March 1980 but for USG blockage. He also noted that the

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<sup>5</sup> The U.S. voluntarily offered to accept IAEA safeguards for the transfer or export of nuclear materials.

Indian shipments were pursuant to prior contracts which provided for shipments to the 1990s; our FSS approach would only apply to "new commitments". In response to Hermes' question, Smith stated that we expected the Tarapur review period provided in the NNPA to expire in early October. He gave Hermes our current reading on Congressional prospects: the House would vote against the President; while it was close, we hoped the Senate would sustain the President.

c. *Programmatic Consent*. What "designated area" would be eligible for programmatic approvals? Smith said that we envisaged providing such approvals for breeder and advanced reactor RD&D (including reprocessing for breeder needs, but not for commercial thermal recycle). Smith said the question of thermal recycle RD&D was not clear in our minds. Smith noted thermal recycle was particularly troublesome because it could justify plutonium flows wherever there are reactors. He said this had been a particular concern in India; if we did not agree to the pending Tarapur licenses, there was a substantial risk that India would reprocess and recycle US-origin spent fuel and thus establish a precedent for recycle linked to small scale reprocessing plants.

Hermes said the Germans still planned some thermal recycle programs and implied that the US approach could cause Germany a problem. Hodsoll noted that our approach to thermal recycle was only for a limited (10–15 year) period during which we doubted there were likely to be moves in any country towards commercial thermal recycle. He noted that our approach would not preclude case-by-case consideration of specific needs for thermal recycle R&D.

d. *Problems with US Approach*. What did we envisage the problems would be with our approach? Smith responded that he understood that our approach to thermal recycle might pose a problem for the FRG, Belgium and Japan; and that the FSS export condition might be difficult for the FRG, but he assumed (if the French went along with FSS) the FRG would not want to be isolated. Program designations might also offer difficulties.

**385. Intelligence Assessment Prepared in the Central Intelligence Agency<sup>1</sup>**

PA 80–10355

Washington, August 1980

**The NPT Review Conference: A Preview (U)****Key Judgments**

The second nuclear Non-Proliferation Treaty (NPT) review conference will open on 11 August in Geneva. The prospects for formal reaffirmation of the value of the treaty are clouded by a number of recent international developments:

- The interruption in progress toward major arms control agreements because of the sharp increase in East-West tensions.
- The aggravation of the controversy over assured access to nuclear material and technology for peaceful purposes, which has resulted from the efforts of the United States and other major nuclear suppliers to establish more rigorous export criteria.
- The success of some nonnuclear weapons states (such as Pakistan and South Africa) in acquiring or developing militarily sensitive nuclear technology free of international controls. (U)

These and other related developments, such as renewed concern about India's nuclear intentions, will be cited by many NPT signatories at Geneva as evidence that the delicate balance that the treaty seeks to establish between the rights and obligations of nuclear and nonnuclear weapons states is deteriorating. Most criticism of the nuclear weapons states will focus on their failure to live up to their obligations under Article VI<sup>2</sup> to halt and reverse the nuclear arms race, and under Article IV<sup>3</sup> to facilitate, together with other major nuclear suppliers, the fullest possible exchange of nuclear materials and technology for peaceful purposes. (U)

All the nuclear weapons states party to the treaty—the United States, the USSR, and Great Britain—are vulnerable to criticism on the first count. The Soviets, however, have sought to maneuver themselves into a position of comparative advantage with respect to each of the major security issues that are likely to be raised: SALT II, the Comprehensive Test Ban Treaty, and the question of negative security assur-

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 116, SCC 137, 9/4/80, TNF and NPT. Secret; Noform; NoContract; Orcon.

<sup>2</sup> See footnote 5, Document 211.

<sup>3</sup> See Document 318.

ances (guarantees that the nuclear powers will not use or threaten to use their nuclear arsenals against nonnuclear weapons states). (C NF)

In part because of the controversial Nuclear Non-Proliferation Act of 1978, the United States is uniquely vulnerable to criticism on issues relating to the Third World's demand for ready access to nuclear fuel and technology under the provisions of Article IV. Of all other suppliers, only Canada has been nearly as active in attempting to slow the spread of advanced nuclear technology. The Soviets, as members of the London Suppliers Group, have been quietly supportive of these efforts. But because their role as a nuclear supplier outside the Warsaw Pact area has so far been limited, they are in a far less exposed position than the United States. (C NF)

Moscow will be tempted to exploit these differences to its political advantage. Because it still has a strong stake in the survival and effectiveness of the global NPT regime, however, its actual efforts to this end will probably be relatively restrained. The fact that the Soviets can count on the United States bearing the brunt of Third World criticism in any event makes such restraint all the more likely. (C NF)

The importance attached to the review conference and the issues that will be aired there has been demonstrated by the attention that has been given to preparing for the meeting by both the developing and industrialized nations in recent months. It has also been reflected in the failure of most NPT signatories to agree on who should preside over the meeting. The choice could be critical to the outcome of the conference, for it was only through the strong personal intervention of the president of the first NPT review conference, Inga Thorsson of Sweden, that that meeting managed to produce a final declaration five years ago. (U)

Not surprisingly, most industrialized nations favor reappointment of Thorsson, but her candidacy has been challenged in recent weeks by a number of developing countries who support selection of an Iraqi diplomat for the post. The issue seems unlikely to be resolved before the conference opens. (U)

Although the portents are even less auspicious than they were in 1975, the serious approach to the meeting evinced by most likely participants is reassuring. So too is the fact that none of the countries most likely to participate has demonstrated a specific intent to disrupt the meeting. In view of what appears to be a continued broad consensus on the basic value of the NPT (whatever specific flaws may be perceived), there is about an even chance that the conference participants will be able to produce some sort of final declaration. But there also is a good chance that the developing nations will insist that the text of the document contain language more explicitly critical of the performance of the



nuclear weapons states—particularly with respect to Article VI—than was the case in 1975. (C NF)

If agreement cannot be reached on a final declaration, most nations involved will consider the conference a failure. The possibility of actual or threatened defections—perhaps tied, in the latter case, to deadlines for the conclusion of major arms control agreements—would increase, and the prospects of attracting new adherents to the NPT would decline. Even under such circumstances, the major nuclear suppliers could probably preserve the basic features of the existing global non-proliferation regime for some time to come if they acted in concert. Nonetheless, the moral force behind this regime would have been largely dissipated. (C NF)

[Omitted here is the body of the assessment.]

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**386. Memorandum From the Director of the Arms Control and Disarmament Agency (Earle) to Special Coordination Committee Principals<sup>1</sup>**

Washington, September 3, 1980

SUBJECT

NPT Review Conference

As its end-of-the-week adjournment nears, the Non-Proliferation Treaty (NPT) Review Conference in Geneva is in serious disarray. There is a real possibility of a divisive outcome that would be portrayed by many as demonstrating that the NPT has not served the interests of its non-nuclear weapon state (NNWS) parties. The non-aligned participants led by a few militants and supported to some degree by neutrals such as Sweden are pressing very hard for acceptance of contentious wording on several important issues for inclusion in a final conference declaration. Because of repercussions that a highly-publicized “failure” of this major conference could have, I believe it warrants our urgent attention.

The goal of the conference has been a consensus document that would review all aspects of the NPT’s implementation. Negotiation of this text, especially the portion concerning nuclear arms control negoti-

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 45, NPT: Revcon. Confidential.

ations (Article VI), has proved extremely difficult. Some of the principal points on which agreement is still being sought relate to criticism of South Africa and Israel for allegedly developing a nuclear capability and blocking agreement on nuclear free zones in their regions, a call for the parties to SALT II to act in the interim period prior to its ratification as though the treaty were in force, a call for a moratorium on nuclear testing, and establishment early next year by the Committee on Disarmament (CD) of a working group to discuss a comprehensive test ban (CTB). These and other issues are still under negotiation, and it is hoped that ways will be found to deal satisfactorily with most of them in a final document.

In the absence of a consensus the probable alternative would be a communiqué stating simply that the conference had taken place and noting several other facts about the meeting and indicating that another review conference would be held in five years. We would anticipate, however, that the non-aligned would independently issue and seek maximum publicity for its version of what the final document should have stated and be highly critical of those, mainly the U.S., that it would hold responsible for failure to reach agreement. We and others would, of course, also make our views known.

A third alternative, which we have not, however, explored as a possibility with the delegation in Geneva and which may be non-negotiable, could be a short declaration in support of the NPT as a sound treaty, on the functioning of which, however, there are differing views. The latter might be attached or issued separately by the concerned delegations. This would have the advantage of putting all parties on record in support of the NPT regime, but we cannot now assess whether such an outcome would be negotiable.

While it is still too early to be sure, the leaders of our delegation in Geneva believe that U.S. acceptance of a CD working group on a CTB may be pivotal in achieving a consensus on a final document. In light of this possibility, I believe we should discuss whether it is desirable to give Ambassadors Van Doren and Flowerree contingent authority to agree, if it appears this would lead to a consensus, to language calling for the CD to set up a CTB working group with an appropriate mandate. The timing and precise tactics with which this authority would be used would have to be left to the delegation, as it would have to act in an extremely fast-moving negotiating situation. It would be understood that the authority would not be employed unless the delegation was satisfied that it was necessary to achieve a consensus and that a consensus would result.

Attached are a number of arguments for and against U.S. acceptance of a CD working group on CTB under the above circumstances.

## Attachment

### Paper Prepared in the United States Arms Control and Disarmament Agency<sup>2</sup>

Washington, undated

#### *Factors to Consider in Determining U.S. Position on CD Working Group on a Comprehensive Test Ban (CTB)*

—If a consensus cannot be achieved at the NPT Review Conference because of U.S. unwillingness to accept a CD working group on CTB, many nations, especially from the third world but also including some western countries, would blame the U.S. for “wrecking” the review conference by its inflexibility, and undermining one of the Administration’s own major arms control objectives—a strengthened non-proliferation regime. This criticism would be echoed in future multilateral fora, including the UN General Assembly this fall.

—We would risk a serious blow to the NPT regime, and lose the positive effects that a final conference document would have, including encouragement of further adherence to the treaty and increased technical cooperation, advancement of full-scope safeguards and increased support for IAEA safeguards, and discouragement of action by non-nuclear weapon states (NNWS) to assist other NNWS to acquire nuclear weapons or explosive devices.

—We would face a generally more hostile attitude in multilateral arms control efforts across the board, on which we need the cooperation and support of others to achieve our objectives. Resentment could spill over into other security-related issues.

—Actual establishment of a working group would be subject to consensus agreement in the CD in February, where its precise terms of reference would have to be negotiated, a process that would take many weeks or even months and in which we could exercise considerable influence. We could expect substantial differences of view on the working group’s mandate. Given the time required for negotiation of the mandate, the working group would be unlikely to be able to start substantive discussions before the end of the CD’s first 1981 session (May) or sometime during its second (June–August) session.

—In addition to influencing the working group’s mandate, we would also have some opportunity in the working group itself to restrict the scope of its activity. We could seek to have the group at least

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<sup>2</sup> Confidential.

initially, for example, carry forward the discussions already held by CD experts on exchange of international seismic data to monitor a test ban.

—A working group would provide an opportunity for the Soviets, if they were so inclined, to exploit third world pressures on issues such as verification, where our position is considered by many to be unnecessarily demanding. Progress in the trilateral talks might actually be hindered by a working group if the result were increased Soviet resistance to acceptance of our position on key issues or, alternatively, might result in a weakened verification regime and would jeopardize Senate ratification of a CTB Treaty.

—Some of the U.S. positions in the trilateral talks (e.g., on duration of the treaty), could be exposed in the working group discussions and be subject to severe criticism. We would come under pressure to modify them, probably from domestic, as well as foreign critics.

### 387. Telegram From the Department of State to the Mission in Geneva and the Embassy in the United Kingdom<sup>1</sup>

Washington, September 3, 1980, 2316Z

234386. Subject: Bartholomew/Bessmertnykh Meeting on NPT Issues. Refs: A, Geneva 11751;<sup>2</sup> B, Geneva 11698.<sup>3</sup>

<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800420–0217. Confidential; Immediate. Sent for information Immediate to Moscow. Drafted by Napper (EUR/SOV) and Steiner (PM/DCA); cleared by Palmer (PM/DCA), Combs, Jr. (EUR/SOV), Bohlen (EUR/RPM), McGaffigan (S/MS), and Jones (ACDA/MA); and approved by Bartholomew (PM).

<sup>2</sup> Telegram 11751 from Geneva, September 3, reported on the September 2 Trilateral NPT Review Conference talks. The U.S., UK, and Soviet Delegations “decided the conference President should be pressured to break the impasse on the language of the final declaration. The Soviets indicated that they would be willing to take public positions on key Article VI issues which they will attempt to present as concessions and indications of flexibility. These positions would include acceptance of: “a deadline for conclusion of trilateral negotiations on a CTBT (1982), a CD working group on CTB (but only if all five NWS participate), and a nuclear testing moratorium (again, only if all NWS participate). (National Archives, RG 59, Central Foreign Policy File, D800419–0331)

<sup>3</sup> Telegram 11698 from Geneva, September 2, reported that “prospects can hardly be considered good for consensus outcome” of the NPT Review Conference, “and there is a real possibility for a divisive conference result that would be portrayed by many as demonstrating that the NPT has not served the interests of its non-nuclear weapon state (NNWS) parties and that non-proliferation efforts are losing ground.” The Mission also warned that “over the last week or so, the more militant Non-Aligned Delegations, primarily Yugoslavia, Sri Lanka, and Mexico, have strengthened their grip on the Group of 77, and have taken assertive and uncompromising positions on key conference issues, especially in the area of arms control.” (National Archives, RG 59, Central Foreign Policy File, D800417–0402)

1. Confidential—Entire text.

2. PM Director Bartholomew called in Soviet Embassy Political Counselor Bessmertnykh on September 3 to discuss developments at NPT Review Conference. After referring to past record of US/Soviet cooperation on NPT issues in general and particularly on key arms control issues which come within purview of Article VI, Bartholomew conveyed substance of following points:

—We have been following very closely the state of play at the NPT Review Conference and want to share our views with you.

—Nuclear disarmament issues in Article VI,<sup>4</sup> and particularly CTB, are major questions which go to the very heart of our respective national security interests.

—Considerable progress in trilateral negotiations, has been made in CTB, and the basis has been created for building upon this to bring the negotiations to a successful conclusion.

—Unlike other CD issues, such as CW and RW, CTB matters should in the first instance be resolved by the three interested NWS, and not negotiated prematurely by states not possessing nuclear weapons. Such a situation would encourage states whose interests are not directly concerned to make extreme demands of the trilateral negotiating partners.

—We therefore continue to believe that it would be inadvisable to have multilateral negotiations on CTB prior to completion of the trilaterals. We are concerned that such a development could set back prospects for the very progress which our countries and so many others desire in the talks.

—On other CTB-related issues we do not feel that there should be either a deadline for completing trilateral negotiations or a testing moratorium pending completion of an agreement—even if such a moratorium is conditioned on participation by all NWS.

—We hope you will look carefully at this situation and gauge the potential damage to our mutual interests in permitting multilateral negotiation of a CTB. We believe that, working together along with our respective allies, we can find ways to meet multilateral concerns on this and other major issues at the NPTRC, ways which protect the essential interests of all concerned.

3. In reply, Bessmertnykh said that he was unaware of developments reported Reftels since Soviet Embassy here is not regularly informed of events in Geneva. Bessmertnykh said that he personally agreed with Bartholomew's points and agreed to transmit substance of démarche to Moscow immediately.

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<sup>4</sup> See footnote 5, Document 211.

4. For Geneva: NPT Delegation should inform SovDel of Bartholomew/Bessmertnykh meeting without characterizing Bessmertnykh's response; and reiterate points contained in para 2 above.

5. For London: You should inform FCO of meeting and convey substance of *démarche*.

**Muskie**

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### 388. Memorandum for the Record<sup>1</sup>

Washington, September 4, 1980

#### SUBJECT

September 3 Mini SCC Meeting on the NPT Review Conference

1. The meeting, chaired by David Aaron, was called at the request of ACDA to review the state of play at the NPT Review Conference in Geneva which is scheduled to end Friday.<sup>2</sup> The Conference at this time is in serious disarray and there is a good chance that they will not be able to agree on a final consensus document. The major area of disagreement is on that portion dealing with Article VI of the treaty which concerns nuclear arms control negotiations.<sup>3</sup> The group of 77 (G-77), the Non-aligned Nations, wants to put into the final document three items that the US finds unacceptable:

- a call for establishment of a CTB Working Group in the Committee on Disarmament (CD)
- a call for a moratorium on nuclear testing
- criticism of South Africa and Israel for allegedly developing a nuclear capability.

2. ACDA proposed at the meeting that we might want to accept the creation of a CTB Working Group in the CD in exchange for elimination of the other objectionable items from the final document and thereby be able to produce a consensus document. It was acknowledged that we did not know if such an exchange would be acceptable to the G-77. The

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<sup>1</sup> Source: Central Intelligence Agency, Office of the Director of Central Intelligence, Job 81B00112R, Subject Files, Box 15, Folder 19: (PRC) Non-Proliferation, 1980. Secret. No minutes or summary of conclusions for this meeting has been found.

<sup>2</sup> September 12.

<sup>3</sup> See footnote 5, Document 211.

US has always opposed a multilateral forum such as the CD for the CTB because of the risks of manipulation by the Soviets on verification issues. The discussion at the mini SCC revolved around the degree of damage that would be done to the NPT regime by failure to achieve a final consensus document, balanced against the risks to progress in the CTB negotiations by putting any part of them in a multi-lateral form. The general feeling at the meeting was leaning toward the ACDA suggestion except for JCS who flatly opposed creation of a CTB Working Group in the CD. No decision was made at the meeting and it was decided to add the issue as an agenda item to the SCC meeting on theater nuclear forces on Thursday.<sup>4</sup>

3. My assessment is that while there would certainly be some short term negative impact on our non-proliferation efforts from failure to achieve a final consensus document at the Review, the long term prospects for the NPT regime will depend primarily on the future performance and behavior of the nuclear weapons states (NWS) in the arms control and nuclear supply arenas. At this stage the NNWS still believe that a viable NPT is in their interests, primarily as a tool in keeping pressure on the NWS for arms control progress and nuclear supply assurances.

4. Attached is a short paper prepared by ACDA on the issues that were discussed at the meeting.<sup>5</sup>

*[name not declassified]*

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<sup>4</sup> September 11.

<sup>5</sup> Not attached.

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**389. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, September 4, 1980, 1129Z

11804. For the Secretary, Deputy Secretary, and ACDA Director.  
Subject: NPT Review Conference (60): Urgent Request for Contingency Guidance.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB): 1/79–9/80. Secret; Flash; Nodis.

1. (Secret—Entire text)

2. With respect to issue on NPT RevCon which we understand will be subject of discussion by principals this morning, following is input from US NPT RevCon Del.

3. We believe the NPT RevCon is in serious danger of ending in well-publicized disarray. The more militant G-77 Delegations, especially Mexico, Sweden, and Yugoslavia, are continuing to take an uncompromising line.<sup>2</sup>

4. It is our shared judgment that only hope for a satisfactory substantive outcome lies in a compromise final document retaining a number of constructive formulations on safeguards and peaceful uses, avoiding unacceptable language on Israel but reflecting various strongly held views on major arms control issues and going some way toward meeting main non-aligned objectives. In the latter category we believe we can within present guidance handle all but the:

(A) Moratorium on nuclear testing;

(B) Working groups in Committee on Disarmament on CTB and nuclear disarmament; and

(C) Interim compliance with SALT II.

Moratorium is clearly not acceptable and many non-aligned, even militants like Ambassador Fonseka (Sri Lanka), understand this. Nuclear disarmament working group is not of the highest priority according to Fonseka and might not be pressed if other desiderata are achieved. Although we obviously could not accept a formal interim commitment on SALT II compliance in final Conference document, this is an issue on which our position is strong because of our stated policy and because of adamant Soviet opposition to any commitment prior to ratification of SALT II. This leaves a CTB working group as the only conceivable area of US flexibility.

5. What we are requesting is contingency authority to accept—if necessary and sufficient to achieve an acceptable Conference outcome—language calling on the CD at its next session to establish an ad hoc working group, with an appropriate mandate, on the question of a CTB. Such language would make clear that the precise mandate or terms of reference for such a working group would have to be worked out by consensus in the CD, and would specify that the CD's work should not interfere with the trilateral negotiations. Moreover, any such formulation would only be accepted if agreed to by the other tri-

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<sup>2</sup> In telegram 11709 from Geneva, September 2, the Mission noted "the G-77 has sought to broaden the issue" of the NPT to include prohibiting "even seemingly legitimate civil nuclear cooperation with South Africa and Israel" because "it 'indirectly' contributes to their nuclear weapons capabilities." (National Archives, RG 59, Central Foreign Policy File, D800417-0703)



lateral negotiating partners. In this connection British floated last night with US and Soviets a contingency formula which Soviets accepted with slight modification, reflected below:

“The Conference therefore believes that at its next session, the CD should draw up terms of reference for a working group on a nuclear test ban treaty. It considers that efforts in the CD on this subject and the separate trilateral negotiations by the NWS parties to the treaty are not mutually exclusive.” (FYI: Establishing “Terms of Reference” is tantamount to establishing the working group.)

This language was prepared as a draft of part of a possible compromise final document reflecting divergencies of views on many issues which might be used as a last minute Chairman’s draft. We have not indicated any ability on our part to accept this formulation. It has not yet been shown to anyone except a few members of Depositary Delegations.

6. We would not propose to use the authority we are seeking unless and until it becomes clearer than it now is that its use is necessary and sufficient to achieve an otherwise acceptable Conference outcome. We are not yet at the stage where this judgment can be made, but time is becoming so short that we need guidance on whether this bargaining tool would be available in the crunch of the final hours of the Conference. We will keep you advised of the situation and of our advice as to whether such contingency guidance need be drawn upon.

Helman

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**390. Memorandum From the President’s Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, September 4, 1980

SUBJECT

NPT Review Conference

The SCC this morning<sup>2</sup> reached consensus that we should authorize our delegation to the NPT Review Conference to agree to the for-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Subject File, Box 6, Comprehensive Test Ban (CTB): 1/79–9/80. Secret. Sent for action. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> No record of this meeting was found.

mation of a working group on CTB under the auspices of the Conference on Disarmament. The JCS did not agree because they fear that such a working group will become a source of independent pressure on the trilateral CTB forum that will make it more difficult for us to achieve such goals as good verification provisions. All others agreed that this was a serious possibility but felt that we should make this attempt if we could avoid a total collapse of the NPT Review Conference (the inability to reach agreement on a consensus document).

The SCC consensus was subject to the proviso that we will agree to the formation of the working group if it is clear that our agreement would produce an acceptable conference outcome, though all understood that the idea would have to be floated during discussions in Geneva tomorrow. We know this is clearly a long shot with all the disorder at the conference but we feel we should give our people something to work with and, as Ed Muskie put it, we would be better off failing having made the effort, than having failed to make the effort. The UK and Canada support this approach.

#### RECOMMENDATION

That you approve the SCC consensus.<sup>3</sup>

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<sup>3</sup> Carter checked the "Approve" option and wrote "J" in the right-hand margin.

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### 391. Memorandum From the Director of the Arms Control and Disarmament Agency (Earle) to President Carter<sup>1</sup>

Washington, September 12, 1980

Subject

Non-Proliferation Treaty (NPT) Review Conference

The NPT Review Conference completed Sunday<sup>2</sup> was a difficult, contentious process, and it was not possible to reach agreement on a substantive declaration satisfactory to all participants.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 50, Proliferation: Non-Proliferation Treaty Review Conference, 9-11/80. Confidential. Copy sent to Muskie. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> September 7.

There was no controversy over the NPT itself—which was supported by all speakers (with no suggestions for amendments or protocols and no withdrawals from the Treaty). There was, however, widespread resentment on the part of many of the non-nuclear weapon parties at the disparity between their self-denial and the dearth of concrete achievement by the nuclear weapon states in limiting their nuclear armaments.<sup>3</sup>

Most participants made clear that they considered greater progress by the nuclear weapon states on nuclear arms control—as contemplated by Article VI<sup>4</sup> of the Treaty and consistently advocated by you—to be basic to the NPT bargain. This led to strong pleas from all quarters for prompt ratification of SALT II and early initiation of SALT III. But it also led to bitter denunciations of the failure to have achieved a comprehensive test ban—which was the step most clearly desired—not only by the neutrals and non-aligned but also by a number of our allies.

Your approval of a contingent offer by the U.S. to establish a CTB working group in the CD—even though it was not successful in achieving a consensus document—helped to head off an acrimonious ending of this particular Conference. But the underlying discontent and resentment still remain. Unless we succeed in achieving *significant* limitations on nuclear testing in the next few years it is clear from this Conference that the NPT, and the non-proliferation regime of which it is the principal pillar, will be in serious jeopardy.

**Ralph Earle II**

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<sup>3</sup> Carter bracketed this paragraph and wrote “I agree” in the left-hand margin.

<sup>4</sup> See footnote 5, Document 211.

**392. Memorandum for the Record<sup>1</sup>**

Washington, September 26, 1980

## SUBJECT

PRC Meeting of 25 September 1980: Options for Augmenting Supply of Nuclear Materials

1. The subject meeting was chaired by Secretary Brown who reviewed the results of the July 24 meeting on the same subject.<sup>2</sup> At that meeting it had been agreed to upgrade the three operating reactors at Savannah River and to restart the L-reactor at Savannah River. There had been disagreement on whether to convert the N-reactor at Hanford to weapons grade plutonium production and restart the Purex facility. It was also agreed at the 24 July meeting that no actual implementation of these decisions would be made until after the completion of the NPT Review Conference.

2. Discussion at this meeting centered around the conversion of the N-reactor at Hanford, the restart of the Purex facility and the negative impact that these actions might have on US nonproliferation policy and goals. The previous agreements reached at the 24 July meeting were reaffirmed. It was decided to send two options forward to the President, one recommending immediate action on conversion of the N-reactor and restart of the Purex facility, the other recommending postponing this decision until December. NSC and JCS supported the first option while State, ACDA, DoD and OMB supported the second. The budgetary impact of a three month delay in the decision was minimal.

3. Intelligence input to the meeting was minimal consisting only of a reaffirmation of our previous estimate of Soviet plutonium production and a statement of our confidence in the accuracy of this estimate. No follow-on action will be required from this meeting.

*[name not declassified]*

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<sup>1</sup> Source: Central Intelligence Agency, Office of the Director of Central Intelligence, Job 81B00112R, Subject Files, Box 15, Folder 27: (PRC) Special Nuclear Materials, 1980. Secret. Original paragraph classification and handling restrictions not declassified. No minutes or summary of conclusions for this meeting has been found.

<sup>2</sup> No minutes or summary of conclusions of the July 24 meeting has been found.

**393. Memorandum From Secretary of State Muskie to President Carter<sup>1</sup>**

Washington, October 16, 1980

## SUBJECT

After the Non-Proliferation Treaty Review Conference

I know you are aware of the inconclusive results of the recent NPT Review Conference in Geneva, despite our best efforts to achieve a last minute compromise. I would like to give you my views on its broader significance and the prospects for non-proliferation.

*The Meaning of the Review Conference*

Because the Review Conference ended on a discordant note, we will face tougher sledding on arms control issues and in pressing our non-proliferation objectives. In addition to continual criticism by the non-aligned, it will be harder to hold the support of many of our Allies, to whom progress in arms control is important both in terms of NPT obligations and for perceptions of their own security. Furthermore, the Soviets will be highly critical of our own arms control efforts (Gromyko's recent UNGA speech is a good example of this).<sup>2</sup>

However, I do not believe there is a real danger of withdrawal or abrogation by Treaty parties in the near term. There was strong support for the Treaty itself at the Conference. Many non-aligned leaders (such as Yugoslavia and Mexico) have been instrumental in endorsing the NPT through the years and have substantial self interest in seeing the Treaty preserved.

While generally based on a real concern over the lack of forward movement on arms control, non-aligned demands for accelerated progress and a significantly greater multilateral role in negotiations also reflect a desire by some Third World leaders to prove their credentials by engaging in public confrontation with key Western countries.

*The Preservation of Non-Proliferation*

The NPT is essential for the preservation of non-proliferation and it is vital to prevent its unravelling. However, the Treaty itself is not

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 50, Proliferation: Non-Proliferation Treaty Review Conference, 9–11/80. Secret. In the upper right-hand corner of the first page of the memorandum, Carter wrote "Ed. A reasonable approach. C."

<sup>2</sup> In a September 22 address to the UN General Assembly, Gromyko "blamed the United States and its allies" for "escalating international tensions and charged that Washington is working out plans for a nuclear war in an atmosphere of 'militarist frenzy'." (Don Oberdorfer, "Gromyko Blames U.S. Policies for Rising Global Tensions," *Washington Post*, September 24, 1980, p. A20)

sufficient to deal with the truly dangerous problem posed by the nuclear threshold states.

Some present or potential threshold countries (e.g., Iraq) are NPT parties and would think twice before withdrawing from the Treaty. Moreover, progress on a CTB or other arms control measures might strengthen the international consensus on non-proliferation that could help restrain non-party states as well.

Nonetheless, certain threshold countries are already well on the way toward fuel cycle autonomy or are obtaining technical options to develop nuclear explosives. These states will make their decision on whether to produce a nuclear device on the basis of their perception of immediate security interests and vulnerabilities, with internal politics also coming into play. If one or more of these countries decides to obtain a nuclear explosive capability, there would be an increased chance for regional conflict and serious consequences for the continued Treaty adherence of neighboring NPT parties.

In any case, it appears likely that we may be faced with cruel dilemmas involving our national security, if such threshold states as Pakistan or South Africa continue their progress in developing nuclear devices.

#### *Implications for Arms Control and Peaceful Cooperation*

After the NPT Review Conference, we plan to adopt the following stance on major *arms control* issues in the near-term:

—The concession on a CTB Working Group which you approved was worth making under the circumstances, but was only valid in terms of achieving a consensus final document at the NPTRC. We believe the non-aligned will seek to “pocket” our contingent concession, and that Australia, Canada, and other allies may join them in increasing the pressure for a Committee on Disarmament Working Group. We will resist accepting their position since multilateral involvement in CTB talks would seriously complicate tripartite negotiations, especially the important verification issue.

—We should not agree to a CD Working Group on nuclear disarmament, since nuclear arms control can be approached effectively only through step-by-step negotiations by the partners directly concerned.

—We will continue to reject proposals for cut-off of production of Special Nuclear Materials (SNM),<sup>3</sup> which some of our Allies may sup-

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<sup>3</sup> Telegram 268280 to London, October 7, noted that “We share HMG’s view that efforts should be made to discourage arms control proposals that are presently unrealistic and unworkable—such as cut off.” The Carter administration believed that “consideration of cut-off would be premature and inadvisable in light of the current international situation and the importance of not detracting from priority issues on the arms control agenda, such as SALT, and CTB. As appropriate, we would also stress the various difficulties associated with a possible cut-off (definitions, modalities, and verification) and the need to ensure that our security interests would be properly protected.” (National Archives, RG 59, Central Foreign Policy File, D800479-0470)

port, as premature. We could receive increased criticism because of our decision to upgrade our SNM production capacity. We still regard cut-off as a desirable long-term arms control objective.

To demonstrate our support for the IAEA and legitimate nuclear power programs in developing countries, we will be generally supportive of implementing Review Conference understandings on *peaceful uses*. (Gerry Smith will be sending you a more comprehensive memorandum covering this area.)<sup>4</sup>

—As a follow-on to INFCE and the NPTRC, we will continue to pursue through the IAEA forum the concepts of international spent fuel storage, and an effective international plutonium storage regime.

—We will also pursue, through a newly established IAEA Committee, mechanisms such as a fuel bank for improved assurances of non-sensitive nuclear supply.

Finally, we must focus on the need for restraint in *nuclear exports* to potential *threshold countries*. This would include:

—Pressing for acceptance of full-scope safeguards as a condition of new supply commitments to non-nuclear weapons states not party to the Treaty.

—Continuing to press nuclear exporters to restrict the transfer of reprocessing and enrichment technology and sensitive nuclear materials.

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<sup>4</sup> See Document 395.

### 394. Intelligence Assessment Prepared in the Central Intelligence Agency<sup>1</sup>

PA 80-10482

Washington, November 1980

#### Deadlock at the NPT Review Conference: Causes and Consequences

##### Key Judgments

The recent conference in Geneva to review the nuclear Non-Proliferation Treaty (NPT) failed to produce a declaration assessing how effectively the treaty has been implemented over the past five years. None of the 75 participants questioned the need for or basic purpose of the NPT, but they were unwilling to make the compromises necessary to reach a final declaration reaffirming the value of the treaty. Widespread concern now exists that the failure to reach a consensus will undermine confidence in the global nonproliferation regime.

##### *Causes of Failure*

A longstanding conflict over the intent of the treaty between the nuclear weapons states and nonnuclear weapons states, primarily those in the developing world, was the root of the problem. Ever since the negotiation of the NPT in the late 1960s, the two groups have disagreed over the delicate balance of rights and obligations in the treaty. The developing nations have consistently argued, and did so forcefully at the conference, that the problem of nonproliferation is a matter of controlling the nuclear arms race between the nuclear powers as well as containing the spread of nuclear weapons to other states. The three nuclear weapons states that are party to the treaty—the United Kingdom, the Soviet Union, and the United States—prefer to emphasize the containment purposes of the NPT, arguing that a global nonproliferation regime is valuable in its own right and its implementation should not be made dependent on progress in the arms control area.

The developing nations at the conference, acting as spokesmen for the Group of 77 (G-77), alleged that there had been no meaningful progress toward disarmament since the 1975 Review Conference and insisted that their viewpoint be expressed in a final declaration. They also sought commitments from the nuclear weapons states to increase the role of nonnuclear weapons states in arms control negotiations.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 50, Proliferation: Non-Proliferation Treaty Review Conference, 9-11/80. Secret; [handling restriction not declassified]. Original paragraph classification and handling restrictions not declassified.



The G-77 entered the conference with a wide range of arms control demands. These were eventually narrowed to three items that they insisted be included in the final declaration:

- The establishment of a multilateral working group on a comprehensive test ban treaty (CTB) in the Committee on Disarmament.
- A pledge by the Soviet Union and the United States to observe the terms of the SALT II agreement pending ratification.
- Language that would single out Israel and South Africa for criticism and prohibit nuclear cooperation with these two nonsignatories unless they accepted international safeguards over their entire nuclear programs.

Significant concessions by the industrial nations giving assurances about the supply of nuclear fuel and technical assistance to nuclear programs of Third World signatories of the NPT were not sufficient to lead to compromise in the arms control area. Indeed, G-77 leaders like Yugoslavia and Mexico apparently persuaded the more moderate nations within the Group to dig in their heels because the nuclear weapons states showed no signs of agreeing to any of the arms control demands until well into the last week of the conference. The United States eventually indicated a willingness to accept a CTB working group under certain conditions, but by that time most of the developing nations had decided that an inconclusive conference outcome would provide a dramatic warning to the superpowers.

### *Consequences of Failure*

The failure of the review conference to reaffirm the NPT in a final declaration is likely to have a number of far-reaching consequences:

- It will weaken the global nonproliferation regime. The inconclusive outcome does not alter the treaty obligations of signatories, but the failure to agree on whether the treaty has been effectively implemented raises serious questions about its long-term viability.
- No signatory is likely to withdraw from the treaty in the next few years because of the conference outcome, but the prospects for persuading nonsignatories to adhere to the treaty have been greatly reduced. Some nonsignatories may conclude that the costs of nonadherence and the potential penalties for crossing the nuclear threshold have been reduced.
- The issue of nuclear weapons programs in the Third World is likely to be further politicized. The G-77 nations at the conference, for example, were unwilling to discuss the question of how to deal with potential proliferators within their own ranks.

The developing nations' insistence on discussing nuclear arms control between the superpowers probably will complicate future discussions of nuclear proliferation. This linkage may make any strength-

ening of the global nonproliferation regime conditional upon progress in arms control, thus providing an additional excuse for some developing nations to resist specific US proposals for tighter control of international nuclear commerce.

The ability of the developing nations to mold and pursue a unified negotiating position at the review conference is likely to reinvigorate their efforts to negotiate as a bloc on other international issues that can be cast in North-South terms. G-77 unity has been under considerable strain recently, particularly on economic issues such as the cost of oil. Stimulated by their success on nuclear matters, the G-77 members are likely to redouble attempts to find issues of common concern around which they can achieve consensus.

The increased cooperation among developing nations does not necessarily imply, however, that the dialogue with industrial nations will become more acrimonious. Nations normally considered moderates within the G-77 and the related nonaligned movement assumed leadership roles at the NPT review conference. This may presage a trend against Cuba and other radical nations that have attempted to steer these organizations in a distinctly anti-Western direction.

The results of the review conference may even stimulate a leadership role for Third World moderates, particularly in the nuclear proliferation field. Many developing nations wish to preserve, in upcoming meetings of the new International Atomic Energy Agency Committee on the Assurance of Supply and in other forums, important concessions on nuclear trade issues already won from the industrial nations.

Finally, the outcome of the NPT review conference is likely to affect future arms control negotiations and deliberations. At minimum, it will reinforce the G-77's allegations that the nuclear weapons states are dragging their feet on arms control negotiations, and this attitude may serve as a basis to oppose as ineffective and discriminatory almost any multilateral arms control initiative sponsored by the superpowers. In any event, the nonaligned nations probably will lobby in the UN General Assembly for a broader mandate for the Committee on Disarmament, including the creation of a working group on CTB.

If the CTB issue is not resolved in the UN, nonaligned nations are certain to insist on such a working group in the 1981 sessions of the Committee on Disarmament, knowing that Washington has accepted the idea, at least in principle. Even if the procedural issue is resolved in the Committee on Disarmament, there is little reason to expect the developing nations to be in a cooperative mood at the Third NPT review conference in 1985 unless the nuclear weapons states have by then concluded a comprehensive test ban treaty and other arms control agreements.

[Omitted here is the body of the assessment.]

**395. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, November 24, 1980

## SUBJECT

Non-Proliferation Policy—Report of Gerry Smith (U)

Attached are three papers from Gerry Smith which together comprise his final report to you on non-proliferation policy:

—A report (Tab A) on his explorations with Europe and Japan of a possible bargain in which the US would relax its constraints on their reprocessing and plutonium programs in return for greater cooperation in dealing with problem countries. He concludes that such a deal cannot be struck “within the strict framework of the April 1977 policy.”<sup>2</sup> (C)

—A longer paper (Tab B) giving his overall assessment and recommendations on how our policy should be changed. (C)

—A brief memorandum (Tab C) urging that priority attention be given to the Israeli weapons program and the negotiation of a CTB. (S)

These papers cover a lot of territory, but two issues are central: (a) how to deal more effectively with problem countries, like Pakistan and Argentina, where proliferation risks are immediate or around the corner, and (b) the relevance of global constraints on reprocessing and plutonium, which affect important Allied programs, to such risks. (C)

Smith believes that we have put too much emphasis on denying access to sensitive material and technology, and should focus more on proliferation *motives* through the resolution of disputes and by enhancing security arrangements. The alternative view, elaborated in PRM-15,<sup>3</sup> is that where motives and technological capability coincide, proliferation will almost certainly result; motives are the most volatile and least controllable factor, and access to materials and technology the most amenable to short-term control. (C)

While he acknowledges that economic developments since 1977 have strongly confirmed US arguments that reprocessing and plutonium fuels should be deferred, Smith believes that the European and

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Global Issues, Oplinger/Bloomfield File, Box 52, Proliferation: Smith, Gerard, 8–11/80. Secret. Sent for information. In the upper right-hand corner of the first page of the memorandum, Carter wrote “Zbig. How best to present alternatives to next administration? J.”

<sup>2</sup> See Document 330 and footnote 3, Document 338.

<sup>3</sup> See Document 317.

Japanese programs present no significant proliferation threat, and that we must relax our controls there in order to gain their cooperation in withholding sensitive materials and technology from problem countries. The alternative view is that a more permissive plutonium policy toward Europe and Japan would inevitably increase both proliferation risks, and political resentment, in the rest of the world. (C)

These and many other questions addressed in Smith's analysis were debated extensively in 1977. It is entirely appropriate that they should be examined again in the light of our experience over the past four years. Smith's present conclusions would be contested by many, but this is an important and well-argued brief for one point of view. (C)

## **Tab A**

### **Memorandum From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to President Carter<sup>4</sup>**

Washington, October 30, 1980

#### **SUBJECT**

Non-Proliferation Policy after INFCE

#### **I**

In June, you authorized me to explore with major European allies and Japan on a personal and non-committal basis arrangements by which they might agree to greater cooperation in strengthening the non-proliferation regime and limiting reprocessing of spent fuel and use of plutonium.<sup>5</sup> The purpose was to clarify what we might expect from our allies in return for greater predictability in exercise of consent rights over the use of US-origin fuel. On the basis of such clarification, we would be better able to develop positions for renegotiation of agreements for cooperation with EURATOM, Japan, and other countries, as required by the NNPA. As you requested, here are the results of the explorations.

#### **II**

In a series of discussions with senior nuclear and foreign policy officials of the UK, France, the FRG, and Japan, I put forward for their

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<sup>4</sup> Confidential.

<sup>5</sup> See Document 383.

consideration a regime for the next 10–15 years in which those countries would:

- defer commitments to thermal recycle;
- limit new reprocessing capacity to that required for breeders, and limit separation of plutonium to avoid unnecessary stockpiling and pressure for thermal recycle;
- support development of an effective International Plutonium Storage regime, and avoid excess national stockpiles of plutonium;
- agree to US consent rights, as called for in the NNPA, including their continuation over material after use in breeder RD&D programs;
- increase commitments to spent fuel storage as an alternative to reprocessing;
- require full-scope safeguards as a condition of new supply commitments and improve cooperation in dealing with problem countries;
- cooperate to make reprocessing more proliferation-resistant, to improve the “once-through” fuel cycle, to limit future enrichment capacity to production of low enriched uranium only, and to improve IAEA safeguards through financial, technical and political support.

### III

I suggested that in such a regime the US might:

- adopt predictable ground rules for exercise of consent rights over reprocessing and plutonium use in specified breeder and other advanced reactor RD&D programs;
- grant generic authorizations to reprocessing in the UK and France for other countries that have good non-proliferation credentials, no spent fuel storage alternative, or where it is in our non-proliferation interest to remove spent fuel.

The regime defined above, which you approved as a basis for exploration but without decision as to its ultimate acceptability, was drawn up after extended review within the Executive Branch. Our effort had been to identify a position for reprocessing and plutonium use in Europe and Japan that would meet the near-term requirements of those countries, avoid damaging precedents for other countries, and evoke greater support from Allies in dealing with countries of near-term proliferation concern.

### IV

The Allies recognize the need to increase efforts with problem countries. They believe the more promising approach is political (dealing with motivations of problem countries) rather than technical (trying to stop or slow access to sensitive technologies and materials). They may be willing to adopt NPT-type full-scope safeguards as a requirement for new supply commitments, in return for our easing interference in their programs.

The Allies agree that national stockpiles of excess plutonium should be avoided. They support establishment of an international plu-

tonium storage regime, with some skepticism that a truly effective IPS would be acceptable to the countries we worry about most. This skepticism may be well-placed, but I believe we should work actively to try to develop the best possible IPS.

## V

The EURATOM countries (where we now have no consent rights) are very loath to give us such controls. They resist proposals that they set a "good example" to the rest of the world by limiting their domestic programs for reprocessing and plutonium use. They see a right of consent as an infringement of their national sovereignties, as giving us a "supervisory" role over their programs, and as introducing an arbitrary and unpredictable element in their nuclear power planning. They foresee our generic approach as requiring impossible precision in forecasting the plutonium needs of their breeder programs.

In the end we may be able to get the Europeans to grant formal consent rights provided it is clear that they would be exercised in a very general way. The UK, France, and the FRG, unlike the US, are committed to reprocessing and to developing options for breeders and thermal recycle. They believe these programs are indispensable for their energy security, and that their decisions on and pursuit of these programs are national issues not subject to compromise with the US. They believe we overemphasize the dangers of the civil nuclear fuel cycle and that decisions they take with respect to their own programs are not relevant to dealing with the problem countries.

## VI

Japan will not much longer tolerate asymmetry between US-EURATOM and US-Japan nuclear relations. Our case-by-case exercise of consent rights in Japan is a constant source of friction. We are unlikely to get control over use of US supplies in Europe comparable to that which we have in Japan. If unable to get consent rights in Europe, or able to get them only under an agreement providing for liberal application, we will have to agree to the same with Japan. We probably will have to accept Japan's having a commercial scale reprocessing plant, and agree to some generic approvals for reprocessing of Japanese fuel in Europe and use in Japan of some of the separated plutonium.

## VII

I believe we cannot accomplish the foregoing within the strict framework of the April 1977 policy. For this and other reasons, the direction of our non-proliferation effort should be reviewed. I think the NNPA should be amended to restore a positive attitude toward inter-

national cooperation on the peaceful uses of nuclear energy. I expand on these ideas in the attached paper.

Gerard Smith<sup>6</sup>

**Tab B**

**Paper Prepared by Ambassador-at-Large and Special  
Representative for Non-Proliferation Matters Smith<sup>7</sup>**

Washington, October 30, 1980

**U.S. NON-PROLIFERATION POLICY AND PROGRAMS:  
AN ASSESSMENT**

*Executive Summary*

**I**

In light of concerns that growth of civil nuclear power and the advent of wide-spread trade in weapons-usable materials would lead to an increased proliferation of nuclear explosives, initiatives were taken by the Administration and Congress to foreclose the electric power route to nuclear explosives. They included i) the President's April 1977 Policy Statement,<sup>8</sup> deferring indefinitely commercial reprocessing and commercial-scale breeders in the United States and continuing a moratorium on exports of enrichment and reprocessing technology, and ii) enactment of the Nuclear Non-Proliferation Act of 1978 (NNPA), which established detailed criteria and procedures to govern United States nuclear export and international cooperative activities. Studies were started (the International Fuel Cycle Evaluation (INFCE) and the Non-Proliferation Alternatives System Assessment Program) to seek ways of minimizing the proliferation risks inherent in nuclear electric power generation.

There resulted an increased awareness of proliferation risks and a willingness of major nuclear suppliers to defer new reprocessing export commitments and, generally, to cooperate in restricting exports where proliferation risks could be demonstrated (e.g., Pakistan). However, serious concern persists about Pakistan. Acquisition of sensitive facilities by Iraq, Argentina and Brazil also creates proliferation risks.

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<sup>6</sup> Smith signed the memorandum "Gerry."

<sup>7</sup> Confidential.

<sup>8</sup> See footnote 3, Document 338.

We have been unable to persuade these countries and India, South Africa and Israel to accept fullscope safeguards.

Nations with the most advanced nuclear power programs (in Europe and Japan), which are not of proliferation concern, resent our efforts to impose stringent requirements on them which have resulted in uncertain nuclear supply. They now see us as insensitive to their critical energy needs. They have not agreed to condition exports, or even new export commitments, on the recipient's accepting full-scope safeguards or foreswearing national enrichment or reprocessing facilities. While the reduction in the growth of nuclear electric power supports U.S. arguments that reprocessing, thermal recycle and breeder commercialization can be prudently deferred, it has put governments committed to nuclear power and their nuclear industries on the defensive and as a result spirited defenses of these options have been mounted.

## II

Our approach to non-proliferation has been too single-minded. Inadequate consideration has been given to linkages between proliferation and other foreign policy and security interests. In particular, where other interests have appeared to conflict with non-proliferation constraints—in the Tarapur and Pakistan cases, for example—the former have appeared to prevail (although our actions in these cases were supportive of or consistent with our non-proliferation interests).

U.S. non-proliferation consideration led to legislative and policy constraints of general application, including a highly restrictive export policy, disregarding the fact that proliferation risks vary greatly from one country to another, and that the energy security requirements of other major industrial nations differ from America's. We should adopt a more balanced approach which recognizes the motivations which lead nations to acquire nuclear explosives. No system of export constraints can substitute for elimination of these motivations, by resolution of international disputes, security guarantees and reduction of the prestige value of nuclear weapons.

## III

There are only five states of near-term proliferation concern—India, Iraq, [*less than 1 line not declassified*], Pakistan and South Africa—with perhaps a half dozen others of concern in the longer term. While as a matter of general policy accepted international practice calls for equal treatment for all states, distinctions where risks are gravest are the only way to achieve the support of major Allies and other nuclear suppliers in coping with proliferation risks effectively.

We need more flexibility in dealing with close Allies on export, reprocessing and retransfer requests, and in nuclear cooperation negotia-



tions. We need policies which are more sensitive to Allies' energy needs, are consistently and predictably implemented, and are neither unilaterally derived nor based on threats of denial.

There is virtually no support for a "throw away" fuel cycle, abandoning the energy value of the plutonium and uranium in spent fuel. We should recognize that regrettably R&D and pilot scale reprocessing plants are a prudent near-term step to nations with medium or long-term interest in reprocessing for energy purposes, and that technical fixes we once thought to have promise do not now appear viable.

It is illusory to believe we have much leverage to force our views on foreign nations when other supply sources are available and it is we, not the recipients, who are seeking to alter existing terms of nuclear trade.

#### IV

What leverage we do have has been undercut by i) the ambiguity of American government policy on nuclear power as an energy option, ii) the divisions in the country on this issue, and iii) our speaking on non-proliferation with different voices—those of the Administration, the NRC and the Congress. In particular, with the export licensing function residing in the NRC, other nations lack confidence that undertakings of the Executive Branch will be fulfilled in a timely and predictable manner. Our unilaterally established policy and legislative requirements have generated concerns about security of supply and have driven foreign nations to increased fuel cycle independence, further reducing any residual leverage for our supply position. A policy of export restraint can succeed only if suppliers act in concert. It is not likely that all supplies will accept our policies. Measures to enhance security of supply are likely to be more effective in inducing nations to forego reprocessing and enrichment technology and breeders than threats of denial or highly restrictive conditions.

#### V

I recommend that we:

1. Consider proliferation problems primarily as international security issues;
2. Center non-proliferation efforts on problem countries—those where early explosive acquisition seems probable;
3. Increase flexibility in dealing with major Allies (EURATOM and Japan);
4. Recognize that reprocessing will occur and
  - support an international plutonium storage system,
  - rely on economic factors rather than U.S. pressures to dissuade nations from adopting thermal recycle,
  - urge other suppliers to condition new nuclear supply commitments on full-scope safeguards, and

- give increased support to IAEA safeguards;
- 5. Enhance U.S. nuclear supply reliability by
  - transferring the export licensing function from NRC to the Executive Branch,
  - eliminating duplicative reviews of export activities to allow some predictability concerning U.S. actions in authorizing requests, and
  - eliminating certain sanctions provisions in the NNPA and the Foreign Assistance Act.

Gerard Smith<sup>9</sup>

### Tab C

#### Letter From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to President Carter<sup>10</sup>

Washington, October 31, 1980

Dear Mr. President:

I am sending along separately my final report. But I would like to stress two matters which I believe to be central to success for your non-proliferation policy—[*less than 1 line not declassified*] and a *Comprehensive Test Ban*.

While we have urged our allies to set a good example by limiting their power programs' [*less than 1 line not declassified*] we have set a bad example by acquiescing in [*less than 1 line not declassified*] While we, by law, cut off aid to Pakistan<sup>11</sup> [*1 line not declassified*] a large percentage of American [*less than 1 line not declassified*] The international community is well aware of this inconsistency and discrimination. I trust [*less than 1 line not declassified*] can be introduced into the Middle East negotiations.

CTB—For ten years we have had an obligation under NPT to get on with arms control and disarmament. That was the quid pro quo for the non-weapons states to forego weapons. As clearly demonstrated during last August's NPT Review Conference, a large number of states believe we have failed to keep our end of the bargain. That belief bodes badly for the credibility of your program and the life expectancy of the NPT regime. That argues strongly for ending the subordination of our proliferation interest to possibly marginal weapons refinement.

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<sup>9</sup> Smith signed the paper "Gerry."

<sup>10</sup> Secret. Brzezinski initialed the upper right-hand corner of the memorandum.

<sup>11</sup> The United States cut off aid to Pakistan on April 5, 1979. See *Foreign Relations*, 1977–1980, vol. XIX, South Asia.

As I leave government, I urge you to give priority to these two often overlooked aspects of your great non-proliferation effort.

Again, may I say how much I appreciate having had the privilege, opportunity and experience of serving under your fine leadership.

Respectfully,

Gerard Smith<sup>12</sup>

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<sup>12</sup> Smith signed the letter “Gerry.”

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**396. Memorandum From Jerry Oplinger of the National Security Council Staff to the President’s Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, December 23, 1980

SUBJECT

Non-Proliferation

Attached is the history of non-proliferation policy which you asked for.<sup>2</sup> I have tried to hold it to the 15 pages you requested, and the result is a highly compressed and selective account. It is very difficult to write on this subject without some personal bias showing through, but I have tried to keep it reasonably straightforward and non-polemical.

Some more personal and subjective comment seems appropriate however, so I will make it here:

On balance, and judged by its stated objectives, the Carter non-proliferation policy has to be considered a failure.<sup>3</sup> A half-dozen countries have moved perceptibly closer to a nuclear explosive capability, and in at least one case (Pakistan) that movement now appears irreversible. Almost all of this slippage involved assistance from Europe, and could have been prevented. Reprocessing plant capacity has more

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<sup>1</sup> Source: Carter Library, Brzezinski Donated Material, Subject File, Box 15, NSC Accomplishments—Nuclear Non-Proliferation: 12/80. No classification marking. Sent for information.

<sup>2</sup> Attached but not printed.

<sup>3</sup> An unknown hand underlined the words “be considered a failure.”

than tripled; world plutonium stockpiles (most of it of US origin) have grown substantially and appear likely to increase at least tenfold in the next decade. Our own nuclear R&D budget, which we said in 1977 was to be restructured to defer the breeder and develop safer alternatives, continues to fund the breeder at excessive levels and to ignore alternative technologies. While our 1977 objective was to prevent the development of plutonium fuel cycles, we have continued to cooperate with other countries, permitting Japan, the UK, and France to reprocess large quantities of US-supplied spent fuel to support such fuel cycles.

The fault was not with the Carter policies. They rested on three basic principles which seem at least as self-evident today as in 1977: that certain nuclear materials (HEU and plutonium) are explosives and if available in nuclear power programs will make possible rapid conversion to weapons; that misuse of these materials cannot be prevented or adequately controlled by international inspection (safeguards) or any political institution yet devised, and that the technologies which introduce these materials into common use could be deferred for at least many decades without economic penalty. While the dangers of plutonium are obvious, what is not generally understood is that a *single* fuel charge for a breeder reactor would contain enough high-grade plutonium for *hundreds* of nuclear weapons; that is comparable to the total stockpile of the US or the USSR in the early 1950's and is a major strategic threat. Safeguards, whose purpose is only to detect diversion of materials to unauthorized use, are meaningless when dealing with materials which can be made into bombs within a week. Plutonium-fueled reactors are economic only at uranium prices exceeding \$100 per pound based on 1977 breeder capital costs; the current cost of uranium is \$30 and falling, breeder costs are soaring and these trends now seem likely to push the economic utility of breeders well past 2050.

The failure of US policy in the face of all this has been a failure of will and of implementation at the working level of US government. The policy was entrusted to a bureaucracy which cared less for these facts and their clear implications than for diplomatic harmony. Intimidated by the reactions of foreign nuclear bureaucracies, our diplomats recommended, in a series of critical decisions, actions which quickly eroded both the substance and credibility of our policy. The British and French, poised on the brink of heavy investments in reprocessing plants economically dependent upon US MB-10 approvals, watched us agree to Japanese reprocessing of our fuel, insisted upon commitments to similar approvals as the price of their participation in a misguided international debate (INFCE) which we did not have the votes to win, watched our performance, and decided to ignore us. In response, we approved every single reprocessing request ever presented to us, and adopted a set of guidelines which guaranteed that these projects would succeed

and eventually produce an amount of separated plutonium sufficient not only for their breeder programs, but to create vast economic pressures for recycle in today's reactors.

Meanwhile, in Pakistan, Argentina, Brazil and Iraq, the European suppliers continued to transfer materials and equipment which was either dangerous in itself or subject to controls so weak they permitted these countries to continue other dangerous nuclear activities with impunity. Our allies had learned that we were more concerned with rhetoric than results, that our bottom line was infinitely elastic, that State could be depended upon to argue *their* interests, and that the practical test of US policy on any important issue would be—not its capability actually to curb proliferation—but its ability to please.

Whether the policies would have led to greater success had they been implemented with the conviction, toughness and tenacity that they obviously required must now be left to the historians. Without those qualities in the people who were responsible for the daily conduct of the policy, the President, and you, never had a fair chance. It is still possible that the logic of events, including the spread of plutonium, and one or more nuclear tests in the Middle East, will make nuclear proliferation a central concern, and what this Administration originally tried to say and do will have an ultimate impact. But the effectiveness of a serious non-proliferation policy is likely to be lower, and the costs considerably higher, next time around.

# Nuclear Non-Proliferation in Latin America

## 397. Editorial Note

During the 1976 presidential campaign, candidate Jimmy Carter called for “new international action to make the spread of peaceful nuclear power less dangerous.” In an address at the United Nations on May 13, Carter warned that despite the fact that “several administrations” had refused “to authorize the sale of either enrichment or reprocessing plants, even with safeguards,” to nations that did not possess nuclear technology, “other principal suppliers of nuclear equipment” had recently “begun to make such sales.” Carter ultimately called for a worldwide “voluntary moratorium on the national purchase or sale of enrichment or reprocessing plants.” News reports contended that Carter was referring to the Federal Republic of Germany’s 1975 sale of a nuclear reactor and plutonium technology to Brazil. (“Excerpts From Carter Speech on Nuclear Policy,” and Kathleen Teltsch, “Carter Proposes a Nuclear Limit,” *New York Times*, May 14, 1976, pages 12 and 47, respectively) The Gerald Ford administration had also opposed the sale between the Federal Republic of Germany and Brazil but failed to convince either nation to abrogate the purchase. For more on this subject, see *Foreign Relations*, 1969–1976, vol. E–11, Part 2, Documents on South America, 1973–1976, and *Foreign Relations*, 1969–1976, vol. E–15, Part 2, Documents on Western Europe, 1973–1976, Documents 289, 297, and 303.

Only hours before Carter’s inauguration on January 20, 1977, the Ambassador to Brazil, John Crimmins, reported that the FRG Ambassador to Brazil had said that his government would “brook no third-country interference in the Brazilian-German agreement, although this attitude does not prevent ‘clarifications’.” The FRG Ambassador had assured a group of European journalists that Brazil, although not a signatory to the Non-Proliferation Treaty, “had made clear several times ‘in various international forums’ Brazil’s intention not to fabricate nuclear devices” and “reportedly cited as one example Brazil’s signature of the Tlatelolco Treaty,” the 1967 pact that outlawed nuclear weapons in Latin America and the Caribbean. (Telegram 539 from Brasilia, January 20; National Archives, RG 59, Central Foreign Policy File, D770022–0258)

In his first National Security Council meeting on January 22, Carter instructed Vice President Walter Mondale, during Mondale’s upcoming European visit, to “confirm to Chancellor [Helmut] Schmidt that provision of nuclear fuel reprocessing technology to Brazil will create a major crisis in US-German relations.” The NSC then agreed “to

review the U.S. commercial aspect of the reprocessing issue so as to meet expected charges that the U.S. opposition to Germany's supply technology to Brazil is self-serving." (Summary of Conclusions of National Security Council Meeting, January 22, 1977; Carter Library, National Security Affairs, Staff Material, Office, Meetings File, Box 1, NSC Meeting #1: Held 1/22/77, 1/77)

On January 26, Crimmins reported that Brazil's Foreign Minister, Antônio Francisco Azeredo da Silveira, had said, "in an obvious allusion to the nuclear question," that Brazil would "not permit its destiny to be 'defrauded or disparaged by misunderstandings or foreign influences' and that "the quality of life depends on a nation's self-respect, self-fulfillment, and autonomy." One Brazilian newspaper called Silveira's comments "extremely aggressive" and a Foreign Ministry press backgrounder made it clear that his "remarks were aimed at President-elect Carter and other leaders of the great powers." Crimmins concluded that while Brazil remained determined to maintain its "energy autonomy" and would refuse to abrogate the purchase of the nuclear reactor from the Federal Republic of Germany, this "beginning position of apparent intransigence" could be modified through bilateral negotiations with the United States. (Telegram 693 from Brasilia, January 26; National Archives, RG 59, Department of State, Central Foreign Policy File, D770028–0387) In a later telegram, however, Crimmins warned that the dispute over non-proliferation in Latin America could produce "serious and irreversible damage to the U.S.-Brazilian relationship." (Telegram 741 from Brasilia, January 26; National Archives, RG 59, Central Foreign Policy File, D770028–1090)

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### **398. Telegram From the Department of State to the Embassy in Brazil<sup>1</sup>**

Washington, January 27, 1977, 0120Z

Tovip 22. 18228. For the Ambassador from the Secretary. Subject: Message From the Secretary to Foreign Minister Silveira. Rome for Aaron with Vice President's Party.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 2, Brazil, 1–2/77. Confidential; Immediate; Nodis. Sent for information Immediate to Bonn and Rome. Drafted by Charles W. Bray III (ARA), Regina Eltz (ARA/ECA), and John Kalicki (ARA/ECA); cleared by W.H. Luers (ARA); and approved by Vance. The telegram number "Tovip 22" is handwritten.

1. Unless you perceive objection, please deliver the following message, and make the following points, to Foreign Minister Silveira:

Begin quote: Dear Mr. Minister:

I have asked Ambassador Crimmins to make himself available to you and want to convey to you, by means of this letter and his presence, the importance we attach to our relationship with Brazil.

We wish to affirm our desire to continue the consultative processes which have served both countries so well over the years. My colleagues in this administration would welcome your views on the various issues—bilateral, regional and global—with which our two governments will be confronted in coming months. For my own part, I am looking forward to the early opportunity of meeting you.

Please accept my best wishes.

Sincerely,

Cyrus Vance. End quote.

2. You can make any or all of the following points orally to Silveira:

—I am deeply concerned that events and newspaper stories of the past week<sup>2</sup> not affect US-Brazilian relations;

—We would like to move ahead promptly to consult on the full range of issues outstanding between us, including the nuclear. I recognize that the differences on some issues are deep, but I am committed to attempting to reduce them, where that may be possible, by frank consultation;

—I believe we owe the GOB an early and authoritative presentation of the perspectives President Carter's administration brings to the nuclear issue. We would be prepared to send a representative to Brasilia for that purpose at Silveira's convenience.

—While we have not worked out detailed nuclear policies—and do not intend to consult on important issues through the press—I would like the Foreign Minister to know that in his discussions with Chancellor Schmidt, Vice President Mondale conveyed President Carter's interest in moving toward official discussions with both the FRG and Brazil on nuclear exports and non-proliferation issues.<sup>3</sup> (FYI:

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<sup>2</sup> The *Washington Post* reported on January 26, 1977, that Vice President Mondale, during his meeting in Bonn with West German Chancellor Helmut Schmidt, requested the FRG curb its sale of nuclear technology to Brazil. The *Los Angeles Times* also reported the same week that Carter objected to a German agreement to construct a plant in Brazil for reprocessing spent nuclear reactor fuel "because it would give Brazil plutonium, which can be used only for making nuclear weapons." (David Broder and Michale Getler, "U.S.-Bonn Agree to Early Talks on Nuclear Curb," *Washington Post*, January 26, 1977, p. A1; "Mondale Wins German Promise on Nuclear Sales," *Los Angeles Times*, January 25, 1977, p. A2)

<sup>3</sup> Mondale met with Schmidt on January 25 in Bonn. He reported on his meeting in telegram Bonn 590 from Mondale to Brzezinski, September 25. (Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 24, German Federal Republic, 1-3/77) In his memoirs, Brzezinski wrote that after Mondale expressed "our strong opposition to the deal," Schmidt "stood firm" and gave only his "assurance" that the FRG "would observe existing international safeguards" against the proliferation of weapons-making materials. (Brzezinski, *Power and Principle*, p. 131)



We do not yet have an account of the Vice President's discussions with Schmidt.)

We wish to discuss with you a range of possibilities for meeting Brazil's legitimate energy needs, without incurring proliferation risks. One possibility we would be prepared to consider is a guarantee, within the context of FRG supply of nuclear reactors, of the nuclear fuel needed for Brazil's full economic development, if this would help defer indefinitely the enrichment and reprocessing elements of the contract.

—This approach would not require abrogation of your contract with the FRG, but would be based on joint agreement between the parties concerned.

—This is not a concern focused on Brazil; it is a global issue. We recognize that we both share a strong non-proliferation interest and we support Brazil in its desire to expand and diversify its energy sources. Our concern is rather with the global implications of any precedent-setting transfer of sensitive nuclear technology. As you will recognize, the approach we suggest would meet both your economic and our mutual non-proliferation interests.

—As you know, this administration is approaching the proliferation question in all its aspects including the need for greater efforts on the part of nuclear weapons states. This balanced view is the context in which we are seeking indefinite deferral of the enrichment and reprocessing projects.

(If asked: We will pursue our concerns about the Pakistani reprocessing project with both France and Pakistan.<sup>4</sup> The Administration views all such transfers in the same light, and attaches the highest importance to finding acceptable alternatives.)

—On the broader question of our relationships, we would welcome the GOB's views on how and when we might move ahead on consultations covering the full range of issues of mutual interest. I am inclined to believe that it might be useful to begin promptly with at least some of the existing sub-groups, but I do hope to meet with you when our respective calendars can be clarified.

—I would have no objection if the GOB wished to convey the flavor of my written message above to the press. I would prefer that any public references to the nuclear issue be confined to our willingness to consult at an authoritative level in an effort to acquaint the GOB with our perspectives and to seek better understanding of the Brazilian position.

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<sup>4</sup> In April 1974, France agreed to supply a nuclear fuel reprocessing plant in Pakistan.

3. If, in your judgment, there are better ways to proceed in the present circumstances, please let me have your views immediately.

4. Unless I hear from you promptly, I will also convey the foregoing to Ambassador Pinheiro as soon as an appointment can be arranged.<sup>5</sup>

Vance

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<sup>5</sup> That afternoon, Crimmins met with Silveira and conveyed Vance's talking points. (Telegram 777 from Brasilia, January 20; National Archives, RG 59, Central Foreign Policy File, P840086-0900)

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### 399. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>

Washington, January 28, 1977

SUBJECT

Brazil Nuclear Agreement

The Brazilian Foreign Minister made an extremely strong statement<sup>2</sup> about foreign interference with Brazil's sovereign right to make international agreements, like the one with the Federal Republic of Germany on nuclear reprocessing facilities. The U.S. Embassy thinks Brazil is very sensitive to your remarks on nuclear energy exports, but that the "extreme aggressiveness" of the Foreign Minister's statement is a tactical effort to ensure that after U.S.-German discussions, the German-Brazilian agreement will be as close to the original as possible. Since President Geisel has made remarks stressing the "safeguard" provisions of the agreement, there is reason to believe that the Brazilian Government is not wholly united on the issue, and that they may just be trying to adapt to your position. In fact, recent and very private probes by people in the State Department indicate some willingness by the Brazilians to negotiate directly with us.<sup>3</sup>

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 2, Brazil, 1-2/77. Secret. Sent for information. Carter initialed the upper right-hand of the memorandum.

<sup>2</sup> See Document 397.

<sup>3</sup> Ibid.

#### 400. Memorandum of Conversation<sup>1</sup>

Washington, January 28, 1977, 11:30 a.m.

##### SUBJECT

U.S.-Brazilian Consultations

##### PARTICIPANTS

###### *Brazil*

Joao Baptista Pinheiro, Brazilian Ambassador

###### *United States*

The Secretary

Warren M. Christopher, Deputy Secretary

Terence A. Todman, Assistant Secretary, ARA

Robert W. Zimmermann, ARA/ECA (Notetaker)

Following initial amenities, the Secretary said that yesterday Ambassador Crimmins delivered a message<sup>2</sup> from him to the Brazilian Foreign Minister and he wanted to take this early opportunity to cover the ground with Ambassador Pinheiro.

It was his strong conviction, the Secretary said, that great emphasis must be placed on strengthening bilateral relations between the United States and Brazil. Deputy Secretary Christopher will do so as well and, with Assistant Secretary Todman, we will be very well assisted in dealing with issues that arise. The Secretary stated his firm belief that the two nations must consult across the whole range of common problems. He then told Pinheiro that he had suggested to Silveira that we might start the consultative process with some of the subgroups already in being. He noted that Silveira had been told that the U.S. is prepared to send a representative to Brazil to exchange perspectives on the nuclear issue and that the Deputy Secretary would be following this matter himself.

In his conversations with Schmidt in Bonn, the Secretary continued, Vice President Mondale had conveyed President Carter's deep concern with the problem of proliferation.<sup>3</sup> In this connection the U.S. will be prepared to discuss with Brazil the whole range of possibilities for meeting Brazilian energy needs including a guarantee of fuel for

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, EXDIS Memcons, 1977. Confidential; Exdis. Drafted by Robert Zimmerman (ARA/ECA); cleared by Bray and Terence A. Todman, (ARA); and approved by William Twaddell on February 4. The meeting took place in the Secretary's Office.

<sup>2</sup> See Document 398.

<sup>3</sup> See footnote 3, Document 398.

Brazil's nuclear plants so that there would be no need for reprocessing and enrichment facilities. Finally, the Secretary emphasized that the concern with nuclear proliferation was global and in no way directed at Brazil. The control of proliferation is very important to future peace and order and a matter of general concern to the United States Government.

Ambassador Pinheiro said he wished to express his government's appreciation for this early initiative to resume the bilateral dialogue and said that he was aware of the content of the Crimmins-Silveira conversation. He welcomed the Secretary's statement of the importance that the United States attaches to relations between the two countries. Brazil, he said, totally reciprocates the importance accorded to relations between the two countries; Brazil takes pride in being a faithful friend and ally of the United States. There are differences on some issues but this is not true in the case of proliferation. Brazil has demonstrated its similar preoccupation with this problem by signing the guarantees which cover its agreement with Germany—guarantees which go beyond the NPT in renouncing peaceful nuclear explosions. In addition, Brazil has signed the Treaty of Tlatelolco. Brazil, he emphasized, is equally concerned about proliferation but the problem must be addressed in relation to all aspects of the matter and must include those countries which already have the pertinent technology. When Brazil did not sign the NPT it was in protest against vertical proliferation.<sup>4</sup> It is to be hoped that those who have the technology will be equally circumscribed because the danger is the same.

Ambassador Pinheiro said he did not intend by these preliminary remarks to get into the kinds of details that would arise in the fruitful discussions he hoped would take place. Nevertheless, Brazil has certain limitations on the actions it can take. Brazil cannot subordinate its sources of essential energy to the control of even friendly countries such as the United States because attitudes depend upon the political winds. For example, he said, in spite of the belief that certain institutions should consider projects on their merits, the United States conditions loans on other issues such as human rights performance. Brazil cannot be dependent on one source outside Brazil's control. This became evident with relation to the oil exporting countries. Brazil will be only too happy however to explore all areas of mutual interest and consultations will strengthen the mutual purpose of the two countries. He pointed out that in view of its growing specific weight, Brazil is interested in a broad range of issues including North-South relations and

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<sup>4</sup> Vertical proliferation is an increase in the capabilities of the existing nuclear powers while non-nuclear weapons states were prohibited from developing nuclear capabilities.

disarmament. It is only by close consultation that peace and order can be achieved.

The Secretary said he would look forward to mutual cooperation to this end. Pinheiro said he would transmit to his government the views expressed by the Secretary and he would only respectfully request the United States to try to look at the nuclear problem from Brazil's point of view as well. Brazil needs the energy but is equally interested in the nonproliferation question.

Pinheiro then remarked that the press was already aware that he was seeing the Secretary today. The Secretary said that he had instructed the Department's press people to respond to questions by saying he had asked the Ambassador to come in to talk about the broad range of common interests between the two countries and how we might approach these mutual interests in a constructive way. If the press inquired whether nuclear matters were discussed the answer would be affirmative—that it was one of the subjects raised.<sup>5</sup>

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<sup>5</sup> In a second meeting with Vance on February 2, Pinheiro said that Silveira wished to emphasize that his government wanted to hold meetings with the United States to discuss the nuclear issue and that Brazil and the Federal Republic of Germany remained committed to nuclear non-proliferation. However, he stressed that the "Brazilian Government believes that an effort to prevent the transfer of technology would be unjust and even impossible to achieve" and he called the agreement between the Federal Republic of Germany and Brazil "a valid, legally binding instrument entered into by two states and supplemented by an agreement on safeguards." Vance thanked Pinheiro for passing on Silveira's message and said that a Delegation led by Deputy Secretary of State Warren Christopher would visit Brazil on February 10 to discuss the issue. While he "understood that Brazil considers the agreement as legally binding," Vance asked that it delay "implementation of the agreement until after" Christopher's visit. Pinheiro replied that he would "convey this point immediately." (Memorandum of Conversation, February 2; Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, EXDIS Memcons, 1977) On February 3, the Department of State instructed Walter Stoessel, the Ambassador to the Federal Republic of Germany, to inform Foreign Minister Hans-Dietrich Genscher about Christopher's trip and that the United States considered the issue "of the highest importance to USG and we intend to approach these discussions from standpoint of reaching overall solution, involving acceptable alternatives to transfer of enrichment and processing plants to Brazil." (Telegram 24890 to Bonn, February 3; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 2, Brazil, 1–2/77)

**401. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, undated

## SUBJECT

The German-Brazilian Deal: The New Approach in More Detail

While all the details have not yet been worked out (these would be submitted to you at a later date), the following *general strategy* has been approved by *State, ACDA, and Gerry Smith* for a new approach to the German-Brazilian deal:

—Acceptance of full scope safeguards by both Brazil and Argentina through implementation of the Treaty of Tlatelolco.

—Mutual deferral of reprocessing by both countries in the interest of each nation's security vis-a-vis the other.

—Assistance to both nations at the *front end* of the fuel cycle (since enrichment is less of a proliferation risk than reprocessing), specifically:

- transfer of German enrichment technology to Brazil,
- heavy-water assistance (jointly by the US and Canada) to

Argentina.

Our hope for the success of this approach rests on the belief that: (a) both Brazil and Argentina have a very strong interest in avoiding a bilateral race toward acquiring a weapons capability; and, (b) neither nation has fully thought through the implications of the path each is now embarked on, in these terms. If both can be brought (with the help of other affected regional powers such as Venezuela, Colombia and Mexico) to see *the advantage each gains in mutual deferral* of the weapons option, the plan may stand a reasonable chance of success.

One *tactical* consideration poses a *major problem*. During the last round of negotiations, the Brazilians made abundantly clear that they

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 24, German Federal Republic, 1-3/77. Secret. Carter initialed the upper right-hand corner of the memorandum.

deeply resented the fact that we had first approached the Germans.<sup>2</sup> *They feel that if any deal is to be made it must be struck with them and not imposed upon them by the Northern powers. They feel that by going to the Germans first, we relegate them to second class status.*<sup>3</sup> On the other hand, we owe the Germans the consideration due a close ally—particularly where major economic interests may be at stake.

I therefore recommend (with the concurrence of Smith and State), that you simply make clear to Schmidt that we are still working on devising some mutually acceptable solution to this problem, that we have some new ideas, and that Smith will be coming to Bonn to discuss them.

If you approve this strategy, your points to Schmidt would simply be:

—We are deeply concerned about recent events in Argentina, which point strongly to a regional race towards acquiring nuclear weapons capability.<sup>4</sup>

—We (Germany and the US) share a heavy responsibility to do everything possible to avoid such a development.

—This is too important an issue for the US to ignore, but at the same time, we are determined that it not sour our relations with the FRG.

—We are developing some new ideas—which protect Germany's economic interests. When they are fully developed, Gerry Smith will be coming to Bonn to discuss them with you.

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<sup>2</sup> The Carter administration scheduled a meeting between Christopher and a FRG Delegation headed by Ambassador Peter Hermes to discuss the nuclear issue on February 10 and 11. Christopher arranged to “personally brief” Ambassador Pinheiro about the meeting. (Memorandum from Tuchman to Brzezinski and Aaron, February 10; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 2, Brazil, 1–2/77) During his meetings with Hermes, Christopher said that the Carter administration believed that “it is urgent that we halt the transfer of sensitive technologies leading to acquisition of weapons usable material.” Hermes replied that “proliferation is best met by development of adequate safeguards, not by refusal to supply sensitive technologies, control of which in any event is uncertain given relatively wide knowledge of basic elements of sensitive technologies in question (particularly reprocessing).” The Federal Republic of Germany, Hermes stressed, was “obligated by its agreement with Brazil” to supply such materials. (Telegram 32301 to Bonn and Paris, February 12; Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 24, German Federal Republic, 1–3/77) Vance briefed Carter on Christopher's discussion with Hermes on February 11. (Memorandum from Vance to Carter, February 11; *ibid.*)

<sup>3</sup> The CIA reported that “Brazil sees US efforts to halt the spread of nuclear weapons technology as a deliberate attempt to impede the country's economic and technological development” while its military leaders “firmly believe that a sine qua non of great power status is the ability to explode a nuclear device.” Predicting a coming decline in U.S. influence in Brazil, the CIA suggested that Brazil was now “willing to take economic risks in its relations with the US on the nuclear issue.” (Intelligence Memorandum RP–M–77–10022, February 11; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 2, Brazil, 1–2/77)

<sup>4</sup> Carter drew a check mark in the right-hand margin next to this paragraph.

*Decision:*

General strategy:<sup>5</sup>

Tactics with Schmidt:<sup>6</sup>

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<sup>5</sup> Carter checked the "Approve" option.

<sup>6</sup> Carter checked the "Approve" option.

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#### **402. Telegram From the Department of State to the Embassy in Mexico<sup>1</sup>**

Washington, February 12, 1977, 1555Z

32669. Subject: US Position on Protocol I<sup>2</sup> of Treaty of Tlatelolco. Ref: Mexico 1413.<sup>3</sup> Pass to Ilene Heaphy, Saturday<sup>4</sup> a.m.

1. Department is aware that General Conference of Organization for the Prohibition of Nuclear Weapons in Latin America (OPANAL), at its April 1975 session, adopted resolution calling on US, France and USSR to adhere to protocols to Treaty of Tlatelolco (Protocol I in case of US and France, II in case of USSR) and declaring that if such adherence is not achieved by February 14, 1977, OPANAL would "submit the situation created" to the UN Security Council. Presumably, one of the reasons for upcoming extraordinary session of General Conference, scheduled on February 14 deadline (which is tenth anniversary of opening for signature of Treaty of Tlatelolco), is to draw attention to

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770051-0353. Confidential; Immediate. Sent Immediate for information to USUN and the Mission in Geneva. Sent for information to all American Republic diplomatic posts. Drafted by Robert Einhorn (ACDA/NTB); cleared by Oplinger, Tuchman, Michael Congdon (ACDA/IR), John King (ARA/RPP), George Falk (ARA/MEX), Giles Harlow (DOD), David Macuk (IO/UNP) and Edward McGaffigan (T); and approved by Charles Van Doren (ACDA/NTB).

<sup>2</sup> Protocol I of the Treaty of Tlatelolco bound overseas nations with territories in Latin America—the United States, the United Kingdom, France, and the Netherlands—to the terms of the treaty, which prohibited the manufacture, testing, storage, and use of nuclear weapons in Latin America.

<sup>3</sup> In telegram 1413 from Mexico City, February 5, Ambassador Jova told the Department of State that Mexican President Jose Lopez Portillo might raise the subject of non-proliferation during his forthcoming meeting with President Carter. (National Archives, RG 59, Central Foreign Policy File, D770041-0835)

<sup>4</sup> February 12.



non-compliance of nuclear powers with above resolution and to consider further action on issue, perhaps decision to bring matter to Security Council.

2. As Embassy knows, we have taken the position toward Protocol I that neither the Virgin Islands nor Puerto Rico could be included in the nuclear-free zone because the Virgin Islands were part of US Territory and Puerto Rico has a special relationship with the US. However, we have held that Guantanamo could be included if Cuba joined the Treaty and that the Treaty would apply to the Canal Zone when jurisdiction over the Zone returned to Panama under the Treaty currently being negotiated.

3. The new administration is presently conducting a thorough, interagency examination of US non-proliferation policy, and we would expect, in this connection, to review US attitude toward Protocol I, which has not been reviewed since the mid-1960s. Therefore, while no decision has been taken to alter our Protocol I position as described above, we would hope that it would be possible, in connection with the upcoming General Conference, to avoid taking a posture that could convey to OPANAL members the impression that we were overly rigid and unresponsive to their appeals that we reconsider the matter. Such an impression could encourage the members to proceed with any plans they may have to bring the protocols adherence issue to the UN Security Council. We strongly want to avoid such an action, not only because it might appear to raise questions about our commitment to non-proliferation, but because it could bring the sensitive issues of the Canal Zone negotiations and US-Cuban relations to a highly visible and politicized forum.

4. Embassy is therefore requested to convey the following points to OPANAL officials in manner deemed most appropriate (we would not object to circulation by OPANAL of any written communication to OPANAL members):

A. The US Government wishes to express its continuing support for the Treaty of Tlatelolco, as evidenced by its adherence to additional Protocol II of the Treaty,<sup>5</sup> and its hope for the widest possible adherence to the Treaty and its additional protocols, by Latin American states and states located outside the region.

B. With respect to the appeal contained in Resolution 74 (IV), adopted April 17, 1975 by the General Conference of OPANAL, the US Government wishes to state that it is presently conducting a thorough

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<sup>5</sup> Protocol II calls upon nuclear-weapon states to agree to respect the obligations set forth in the Treaty and to promise not to use or threaten to use nuclear weapons against Contracting Parties to the Treaty. See *Foreign Relations*, 1964–1968, vol. XI, Arms Control and Disarmament, 1964–1968, Document 226.

examination of its nuclear non-proliferation policy, which will include a review of the question of US adherence to additional Protocol I of the Treaty of Tlatelolco.

C. The US Government intends to maintain close contact with OPANAL on this question.

5. Embassy should not speculate on the outcome or timing of US review. It is likely that question of possible US adherence to Protocol I will be handled in more extended time frame than general non-proliferation review.

6. Embassy is requested to report as soon as possible on any developments regarding possible move to bring Protocol I question to Security Council.<sup>6</sup>

Vance

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<sup>6</sup> Ambassador Thompson reported that his presentation to OPANAL, including the administration's decision to review the question of Protocol I, "was well-received and the most noteworthy event of the session." (Telegram 1826 from Mexico City, February 15; National Archives, RG 59, Central Foreign Policy File, D770053-1212)

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#### 403. Editorial Note

On February 16, 1977, President Jimmy Carter told Department of Agriculture employees that he was "moving aggressively" to "eliminate the possibility of additional nations being able to build atomic weapons," and specifically cited his attempts "to induce the Germans not to sell nuclear processing capability to the Brazilians." ("President Carter Discusses Foreign Affairs Priorities," Department of State *Bulletin*, March 21, 1977, pp. 265-266) The Department of State transmitted Carter's remarks to the Embassy in Brazil on February 18 in telegram 37480. (National Archives, RG 59, Central Foreign Policy File, D770057-0845) The Brazilian government, however, continued to resist Carter's entreaties. Nogueira Batista, the President of NUCLEBRAS, Brazil's state-supported nuclear energy company, said that Carter had caused "serious problems" between the United States and Brazil by trying to "pressure" Brazil and West Germany to either suspend or abrogate their nuclear deal. Batista also said that the "Americans acted like amateurs in foreign policy." (Telegram 1352 from Brasilia, February 18; National Archives, RG 59, Central Foreign Policy File, D770058-0849) Foreign Minister Silveira said that Brazil "had nothing

to fear from President Carter's statement," reiterated Brazil's and the Federal Republic of Germany's determination to go forward with the deal, and gave Batista "a vote of confidence." Pressure from Washington, he said, "will get nowhere." (Telegram 1414 from Brasilia, February 18; National Archives, RG 59, Central Foreign Policy File, D770059–0315)

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#### **404. Telegram From the Embassy in Brazil to the Department of State<sup>1</sup>**

Brasilia, March 2, 1977, 0345Z

1616. Subject: Discussions on Nuclear Cooperation.

1. In full day of discussions with Foreign Minister Silveira and GOB officials, Deputy Secretary Christopher:

—Impressed upon Brazilians, in context of President Carter's letter to Geisel,<sup>2</sup> strength of US opposition to spread of nuclear explosive capabilities and directly-related enrichment and reprocessing technologies.

—Presented for joint discussion and consideration alternatives to national enrichment and reprocessing designed to meet energy needs while reducing proliferation dangers.

—Stressed that US seeks neither commercial advantage nor abrogation of FRG-Brazil deal by either party, but made clear that sensitive transfers should be deferred pending full examination of alternatives.

2. In response, Silveira emphatically and repeatedly refused to suspend in any way, either privately or publicly, any element of agreement with FRG. Most he would accept—after being pressed hard by

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770071–0248. Secret; Niact Immediate; Exdis. In a March 6 memorandum to Mondale, Christopher said that Silveira "took a hard stand" during their meeting and "reacted with disinterest" to Christopher's attempts to explore "bilateral and multilateral alternatives to Brazil's plan to acquire national enrichment and reprocessing facilities." (National Archives, RG 59, Papers of Warren Christopher, Withdrawn Items, Box 5, Chronological Files, Memoranda to the Secretary, 1977) In his memoirs, Brzezinski recalled that Silveira received Christopher "very coldly," and "his public reception was even worse. Popular anti-American sentiment was running high, and the trip only served to strengthen President Ernest Geisel's position on this issue." The Christopher Mission, Brzezinski wrote, "did not succeed, and it weakened American credibility." (Brzezinski, *Power and Principle*, p. 131)

<sup>2</sup> Not found.

Deputy Secretary—was to continue conversations on this matter and to consider alternatives proposed by US. He said that his mandate, from Geisel did not give him any further latitude.

3. Silveira reiterated GOB support of nuclear power to meet energy needs, opposition to nuclear weapons (but not specifying explosives) proliferation reliance on international safeguards as fundamental policy tenet, unwillingness to accept discrimination in technology access, and determination to reduce dependency on outside energy sources. Beyond this, new elements of GOB position were:

—An intimation of willingness to forego PNE's, even beyond scope of trilateral agreement with FRG and IAEA;

—Acknowledgment that GOB considers itself bound to take no action inconsistent with the provisions of Treaty of Tlatelolco as long as other signatories do not violate them; and

—Readiness to consider further unspecified international non-proliferation undertakings, particularly as regards safeguards, as long as there is no abrogation of existing agreements.

4. US side welcomed GOB statements supporting limited non-proliferation objective, but emphasized concern with spread of nuclear weapons, usable material and sensitive technology, and view that safeguards were necessary but not sufficient to prevent nuclear spread.

5. In elaboration of possible alternatives to national enrichment and reprocessing, US side discussed bilateral, multilateral and international arrangements for assuring supplies of reactor fuel and described possibilities for international evaluation of fuel cycle, including reactor technologies, spent fuel storage, and reprocessing and its alternatives. To provide for GOB participation in latter, US side outlined international mechanism based on bilateral consultations among interested countries with current and planned major nuclear energy programs—with multilateral meetings as appropriate. In his only "observation", Silveira welcomed our clarification that bilaterals would not be exclusively with the US.) US side also reported willingness of France to back up fuel supply to Brazil and French agreement not to place FRG or Brazil at commercial disadvantage. US outlined possibilities for non-nuclear energy cooperation, which Silveira expressed strong interest in pursuing.

6. At conclusion of talks, Deputy Secretary made clear—and Silveira appeared to register—that GOB now faces key choice for energy security: it can consider multilateral alternatives to meet its energy needs, or it can accept risks to its nuclear program by proceeding on its present course. Deputy Secretary summed up message he wanted Silveira to take away with him as follows: (A) President Carter is deeply committed to halting nuclear spread; (B) We have suggested alternatives to Brazil, which we will summarize in writing after return; (C) We

expect GOB to seriously consider these proposals, which we believe will benefit Brazil and the international community, and will forestall proliferation; (D) We ask Brazil to take no irretrievable steps prejudicing availability of alternatives; and (E) US will continue consultations regarding proposals with other interested States, understands that GOB will be back in touch as it considers these proposals, and is prepared to meet again with GOB any time and any place.

7. Brazilians proved highly suspicious of and resistant to US suggestion that joint press statement be issued, arguing that any statement would imply GOB readiness to suspend FRG agreement. When faced with prospect of independent US statement, however, GOB side finally agreed to issue following jointly agreed text: Quote the two parties exchanged views on nuclear matters and energy needs. Each side will consider the positions expressed by the other. There will be further talks on these matters. End quote.

8. Comment: For the most part, Silveira projected some of this reaction we judge to be posturing, which at times bordered on the offensive. He pointedly indicated that he was prepared to do no more than to listen to what US had to say, just as Brazil would listen to “any other” friendly country. As we engaged Brazilians on issues raised by FRG agreement, others on the GOB side clearly insisted that Silveira voice even more forceful opposition to reopening the agreement in any way. At several points, Silveira sought to leave impression that GOB was prepared to accept attenuation of bilateral relationship if that were price of going ahead with nuclear accord. In the end, however, Silveira very grudgingly agreed to consider US suggested alternatives—a word he refused to accept, preferring “proposals”—and to hold further talks.

**Crimmins**

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#### **405. Editorial Note**

On March 7, 1977, Deputy Secretary of State Warren Christopher urged President Jimmy Carter to take advantage of West German Chancellor Helmut Schmidt’s recent “flexibility,” displayed in a February 23 letter to Carter, in order to “forestall sensitive transfers to Brazil” without damaging the U.S.-West German relationship. (Memorandum From Christopher to Carter, March 7; National Archives, RG 59, Papers of Warren Christopher, Withdrawn Items, Box 5, Chronological Files, Memoranda to the Secretary, 1977)

On March 8, Carter wrote Schmidt that he remained "profoundly concerned with the spread of sensitive enrichment and reprocessing facilities which are capable of producing materials which can be rapidly used in nuclear weapons." In particular, Carter worried that despite safeguards, such materials could either be diverted to weapons production or agreements could be abrogated by "governments tempted by ready access" to nuclear materials. Transfers of nuclear material, the President argued, would "establish a very adverse global precedent at the very time when we should be moving to lessen the risk of nuclear explosions." Carter instead urged Schmidt to defer "the enrichment and reprocessing elements of your nuclear agreement with Brazil pending joint examination of the alternatives," and noted that Christopher would travel to West Germany at the end of the week to discuss non-proliferation. Carter, however, stressed that he sought neither "the abrogation of your agreement nor commercial disadvantage for Germany or Brazil." (Carter Library, National Security Affairs, Brzezinski Material, Country File, German Federal Republic: 1-3/77)

Brazilian President Ernesto Geisel, meanwhile, announced what Ambassador John Crimmins called Brazil's "steadfast views on nuclear policy." In particular, Geisel reiterated his government's determination to develop a peaceful yet independent nuclear program. Crimmins warned that Geisel's statement indicated that the "FRG-GOB agreement is all or nothing, and a lack of equitable international nuclear cooperation could frustrate arms nonproliferation objectives by stimulating the development of unsafeguarded nuclear technology." (Telegram 1898 from Brasilia, March 10; National Archives, RG 59, Central Foreign Policy File, D770083-0431)

Carter raised the proliferation issue in a meeting with West German Foreign Minister Hans Dietrich Genscher on March 14, in which he repeated his call for "multilateral solutions" to the problem of nuclear non-proliferation and pledged that the United States was "prepared to do more than we have in the past." Genscher replied that the Federal Republic of Germany had historically been committed to non-proliferation, and said that it would fulfill its agreement with Brazil. He also argued that "the more certain Brazil is" that Bonn would fulfill its nuclear agreement, "the greater will be Brazil's willingness to abide by multilateral restraints." The Federal Republic of Germany, he stressed, could be "more flexible if it is not perceived to be under United States pressure." Carter promised that he would make "special efforts to indicate that we trust Brazil and regard non-proliferation as a world-wide problem. We do not distrust any nation, but we do not want to add another country to the list of those that can explode bombs." (Memorandum of Conversation, March 14; Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 24, German Federal Republic, 1-3/77)

**406. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance, Secretary of Defense Brown, and the Director of the Arms Control and Disarmament Agency (Warnke)<sup>1</sup>**

Washington, April 7, 1977

SUBJECT

Protocol I of the Treaty of Tlatelolco

Attached is a decision memorandum on whether the United States should adhere to Protocol I of the Treaty of Tlatelolco on creating a Nuclear Free Zone in Latin America.

Please state your Department's preferences on the options presented by COB Monday, Apr 11, 1977, so that the President will have time to consider whether or not he would like to include an announcement on adherence in his Pan American Day speech on April 14.

**Zbigniew Brzezinski**

**Attachment**

**Decision Memorandum<sup>2</sup>**

Washington, April 6, 1977

SUBJECT

U.S. Adherence to Protocol I of the Treaty of Tlatelolco

*The Issue*

Whether we should adhere to Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), which would obligate us to prohibit and prevent the testing, use, manufacture, storage, installation, deployment, or possession of nuclear weapons in territories located in Latin America for which we are internationally responsible—principally Puerto Rico, the Virgin Islands, Guantanamo Naval Base, and the Canal Zone.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Subject, Treaty of Tlatelolco, Box 66, Brazil, 3–12/77. Secret.

<sup>2</sup> Secret.

### *Background*

The U.S. supported the negotiation of the Treaty of Tlatelolco, which was concluded in 1967, and in 1971 adhered to its Protocol II, under which nuclear weapon states undertake to respect the nuclear-free zone and to refrain from using nuclear weapons against its parties. (The UK, France, and China have also joined Protocol II, while the USSR has not.) However, citing primarily the integral relationship to the U.S. of Puerto Rico as well as its importance to hemispheric defense, we have stated that we were not prepared to adhere to Protocol I. (Of the three other states eligible to adhere, the UK and the Netherlands have joined, while France has not.)

U.S. adherence to Protocol I would eliminate one of the few remaining requirements specified in the Treaty of Tlatelolco for the full entry into force of the nuclear-free zone regime, which would involve commitments by all Latin American states to forswear acquisition of nuclear weapons and to accept IAEA safeguards on all their nuclear facilities. (The remaining requirements would be Soviet adherence to Protocol II, French adherence to Protocol I, and Cuban and Argentine ratification of the Treaty of Tlatelolco. Brazil has already ratified, but unlike most other Latin American states that have done so, has exercised its right under the Treaty not to be bound until all the specified conditions are met.)

When the question of U.S. adherence to Protocol I was last reviewed internally, a Strategic Air Command squadron equipped with nuclear weapons was deployed at Ramsey Air Force Base in Puerto Rico and nuclear anti-submarine warfare devices were stored at Roosevelt Roads Naval Station in Puerto Rico. At present, however, we do not deploy or store nuclear weapons in any Protocol I territory. Moreover, while we continue to have operational requirements for nuclear-armed naval vessels to call at ports in the zone and to pass through the Panama Canal as well as to patrol and conduct training exercises in the Caribbean area, U.S. adherence would not abridge transit rights or freedom of navigation on the high seas, and therefore those requirements would not be affected.

U.S. adherence would, however, rule out existing contingency plans, which could be activated at a time of advanced readiness, for transferring nuclear depth charges to Roosevelt Roads for use by the squadron of P-3 ASW aircraft stationed there. Alternatives would be available for performing the ASW mission envisaged in those plans [2 lines not declassified] although these alternatives could involve some loss of [3 lines not declassified]

A potentially controversial legal matter involves a provision of the Treaty of Tlatelolco specifying that, upon fulfillment of all requirements for full entry into force, the Treaty's zone of application would



expand to a large area extending at some points up to 1500 miles from the Latin American coast. While the authors of the Treaty presumably intended this provision to have some constraining effect, our legal analysis indicates that the activation of this “extended zone of application” would not have any practical effect on U.S. obligations under Protocol I and II, and would therefore not in any way restrict U.S. freedom of navigation on the high seas surrounding Latin America. However, to insure against future controversy, we would want to place our interpretation of this provision on record at the time we signed the Protocol and deposited our instrument of ratification (presumably after consulting with key treaty parties and determining that they would not object to our interpretation).

#### *Advantages of U.S. Adherence*

—Would have a favorable effect on U.S. relations with Latin America, particularly with Mexico, the principal sponsor of the Treaty, and Panama.

—Would generate pressures for Soviet adherence to Protocol II, which would obligate the Soviets not to store or deploy nuclear weapons in any Latin American territory.

—Would enhance prospects for adherence to the Treaty of Tlatelolco by Brazil, Argentina and Cuba although the latter two would still have the legal power to block the Treaty’s full entry into force if they considered it in their interest to do so. (In the absence of such adherence, there is a serious risk that Argentina and Brazil will follow the Indian route to a nuclear explosive capability.)

—Would not affect any current U.S. operational requirements or deployments.

#### *Disadvantages of U.S. Adherence*

—Would rule out existing contingency plans for storing nuclear ASW devices in Puerto Rico, although alternative (perhaps less optimal) means for implementing those plans would be available.

—Would limit U.S. flexibility to deal with possible future threats in the Caribbean and South America by deploying or storing nuclear weapons in our Protocol I territories.

—If we adhered without requiring adherence by other holdouts (e.g., Cuba, USSR), could be perceived as giving up military options in the Caribbean area without requiring reciprocal restraints and as reducing the leverage we might otherwise have for inducing those holdouts to take corresponding actions.

#### *Options*

- (1) *Continue existing policy.*

(2) *Adhere to Protocol I without conditions.* If this option were chosen, it could be announced in the April 14 Pan American Day speech, although it would be important to contact the Puerto Rican government before any announcement in order to confirm that they would not have objections.

(3) *Adhere to Protocol I when Cuba joins the Treaty and the USSR joins Protocol II.* If this option were chosen, it is assumed that, in view of the sensitivity of current discussions with Cuba, we would proceed through diplomatic channels rather than through an announcement in the April 14 speech, which might be resented by the Cubans as placing public pressure on them. While this option would reduce possible criticism on the grounds that we had not required reciprocal restraints by others, it could entangle Protocol I in other U.S.-Cuban and U.S.-Soviet matters, and thereby delay U.S. adherence and any benefits resulting therefrom.

(4) *Adhere to Protocol I when all other requirements for full entry into force of the Treaty of Tlatelolco are fulfilled.* Since the focus on Cuba would be diluted, this could be announced on April 14 or pressed through diplomatic channels. Although this option would ensure full reciprocity, it could delay U.S. adherence indefinitely and might be criticized by Latin Americans as imposing unreasonable conditions on U.S. adherence.

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**407. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, April 11, 1977

Subject

Protocol I of the Treaty of Tlatelolco

ACDA believes that the military costs of US adherence to Protocol I—primarily the constraint on contingency plans for storing nuclear anti-submarine warfare devices in Puerto Rico—are modest compared to the benefits of improving our relations with Latin America and

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Subject, Treaty of Tlatelolco, Box 66, Brazil, 3-12/77. Secret. Copies were sent to Vance and Brown.

strengthening international support for our global non-proliferation efforts. In addition, such adherence could increase the likelihood of a Soviet pledge not to deploy or store nuclear weapons anywhere in Latin America and a commitment by Argentina, Brazil and Cuba not to acquire nuclear weapons or permit them to be deployed on their territories.

We favor *option two* of the options listed in the decision memorandum.<sup>2</sup> Announcement of our decision to adhere in a major Presidential address on April 14 would maximize the favorable impact of that decision on US relations with Latin America. Equally important, in our view, such an announcement would be a valuable means of strengthening international support for the Administration's non-proliferation policies. Nonaligned recipients of nuclear technology, whether or not located in Latin America, would welcome US adherence to Protocol I as demonstrating our willingness to bear our fair share of responsibility for curbing proliferation and as balancing an approach to non-proliferation that has been criticized by some as requiring recipients to make the greatest sacrifices, especially in terms of foregoing access to nuclear technologies.

We also regard option two as a more promising means of achieving corresponding restraints by the USSR, Cuba and Argentina than if we made US adherence conditional on acceptance of restraints by those states. Making our adherence conditional on actions by others would, in effect, place us in a bilateral negotiation with each of them, with the risk that the Tlatelolco issue would get entangled with unrelated matters of bilateral concern and the strong likelihood that, forced to view the situation essentially as a bargain with the US, the other states would be reluctant to accept a bargain that clearly requires greater concessions by them than by the US. The result might well be continued impasse.

On the other hand, US adherence without conditions can be expected to stimulate Latin American proponents of the Treaty of Tlatelolco, who would be encouraged by enhanced prospects for early completion of the Treaty regime, to apply pressure on the remaining holdouts to accept their respective obligations. While there is of course no guarantee that such pressure will succeed, we feel that it will be more effective than the modest, and perhaps counterproductive, leverage we could bring to bear on the holdouts directly.

If the President decides to announce a new Protocol I position on April 14, we believe it would be important to brief key Congressmen in advance and to consult with the Governor of Puerto Rico. In addition,

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<sup>2</sup> See attachment to Document 406.

in implementing such a decision, it would be necessary to develop a statement of understandings to accompany our signature and ratification of Protocol I that would place on record our interpretation that the Tlatelolco regime does not affect transit rights or freedom of navigation on the high seas.

Paul C. Warnke

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**408. Memorandum From the Executive Secretary of the  
Department of State (Tarnoff) to the President's Assistant for  
National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, April 12, 1977

SUBJECT

Protocol I of the Treaty of Tlatelolco

The Department of State prefers option 2 of the four options set forth in the decision memorandum attached to your memorandum of April 7 on the above subject.<sup>2</sup> State believes that careful attention should be given to the political effects on our relations with Puerto Rico of an immediate signing of the Protocol. The people of Puerto Rico have a strong interest in the nuclear status of their territory. We, therefore, concur in the importance of ascertaining in advance of any announcement that Puerto Rico would not object to our adherence.

The Department of State also believes that our adherence (both signature and ratification) should be made subject to understandings which restate the U.S. position that:

- (1) rights of transit and transport, and of innocent passage, through parties' territories are not affected; and
- (2) *all* explosive nuclear applications are prohibited by the Treaty and Protocol.

In announcing our intent to sign Protocol I, we should underscore our interest in adherence by all states of the region, and in ratification of the Protocols by all eligible countries. We could also add that expeditious ratification by the U.S. would be aided by progress toward full

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P77065-0426. Secret.

<sup>2</sup> See attachment to Document 406.

entry into force of the Treaty. Such a statement should stop short of making U.S. ratification explicitly conditional on other ratifications.

**Peter Tarnoff**  
*Executive Secretary*

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**409. Memorandum From Secretary of Defense Brown to the  
President's Assistant for National Security Affairs  
(Brzezinski)<sup>1</sup>**

Washington, April 12, 1977

SUBJECT

Protocol I of the Treaty of Tlatelolco (U)

(S) The Department of Defense has reviewed the draft decision memorandum<sup>2</sup> on U.S. Adherence to Protocol I of the Treaty of Tlatelolco and prefers Option One with further study to determine the legal and operational implications, particularly for U.S. transit rights in the geographic area of the Treaty.

(S) The DOD does not support the premise that U.S. adherence to Protocol I would not affect the right of U.S. warships and aircraft to conduct transits, port visits, training exercises, and patrols within the Caribbean area. Freedom of navigation which is fundamental to our national security could be jeopardized by adherence to this protocol. The precedent of accepting limitations on U.S. sovereignty over U.S. territory, plus constraints on operational use, deployments, and contingency options in the Caribbean is inadvisable at this time.

(S) To encourage Soviet adherence to Protocol II, the Secretary General of the Latin America Nuclear Weapons Free Zone organization (OPANAL) recently made a new proposal. The new OPANAL formu-

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<sup>1</sup> Source: Washington National Records Center, OSD Records, FRC 330–84–0067, Latin America MWFZ, April 1977. Secret.

<sup>2</sup> See the attachment to Document 406.

lation<sup>3</sup> would interpret the treaty as “prohibiting” transit of nuclear weapons through the treaty territory. This interpretation, if accepted, would prohibit transit of U.S. nuclear weapons in the treaty area under Protocol II (Tab D).<sup>4</sup>

(U) When other requirements for full entry into force of the Treaty of Tlatelolco are fulfilled, the U.S. should re-examine its policy regarding U.S. adherence. Presently there appears to be no compelling reason to accept constraints on U.S. freedom in the Caribbean.

(U) The Chairman of the Joint Chiefs of Staff concurs in this matter.

**Harold Brown**

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<sup>3</sup> Telegram 80379 to Mexico City, April 9, explained that “While we support OPANAL efforts to encourage Soviet adherence to Protocol II, we are concerned by formula reportedly proposed to Soviets by OPANAL Secretary General Gros Espiell as possible basis for such adherence (i.e., interpretative statement that Article I of Treaty of Tlatelolco prohibits transit of nuclear weapons through the territory encompassed by the Treaty). Proposed interpretation,” the Department of State contended, “would be inconsistent with position on transit issue taken by states which participated in negotiation of Treaty of Tlatelolco as well as by us.” (National Archives, RG 59, Central Foreign Policy File, D770124–1121)

<sup>4</sup> Tab D is not attached.

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#### 410. Editorial Note

On April 7, 1977, President Jimmy Carter announced that after “an extremely thorough review of all the issues that bear on the use of nuclear power,” including his concern that nuclear materials ostensibly designated for peaceful purposes could be diverted into weapons, he had concluded that the United States must work with other nations to explore “a wide range of international approaches and frameworks that will permit all nations to achieve their energy objectives while reducing the spread of nuclear explosive capability.” (*Public Papers: Carter, 1977*, pp. 587–588)

A week later, Carter addressed the Permanent Council of the Organization of American States and promised to sign Protocol I of the Treaty of Tlatelolco. However, he said that “banning the spread of nuclear explosives does not require giving up the benefits of peaceful technology.” The United States, he assured his audience, would “work closely with all of you on new technologies to use the atom for peaceful purposes.” (*Public Papers: Carter, 1977*, pp. 611–616) The Department of State forwarded Carter’s remarks to all American Republic diplomatic

posts in telegram 85145, April 15. (National Archives, RG 59, Central Foreign Policy File, D770132–0029)

Alfonso García Robles, the Mexican diplomat who was “one of the principal architects” of the Treaty of Tlatelolco, “expressed great pleasure at” the announcement. (Telegram 2849 from the Mission in Geneva, April 19; National Archives, RG 59, Central Foreign Policy File, D770135–0628) OPANAL Secretary General Hector Gros Espiell echoed those sentiments on April 20. (Telegram 3979 from Caracas, April 21; National Archives, RG 59, Central Foreign Policy File, D770140–0286)

The Department of State also instructed the Ambassador to Brazil, John Crimmins, to tell the Brazilian government that Carter’s decision to sign Protocol I would hopefully lead to “full participation in the treaty by other states, including (although not singling out) Brazil.” Nevertheless, the Carter administration wanted to reassure Brazil that it did not “wish to reinforce any GOB suspicions that we are adhering to Protocol I specifically as a lever on Brazil.” The United States was “not only ‘preaching’ to others about nuclear risks,” but would “place some restraints on our own actions in furtherance of nonproliferation goals.” (Telegram 92303 to Brasilia, April 23; National Archives, RG 59, Central Foreign Policy File, P840086–0918)

**411. Telegram From the Embassy in Venezuela to the Department of State<sup>1</sup>**

Caracas, April 21, 1977, 1920Z

3975. Subject: Latin American Non-Proliferation Consultations.

1. Amembassy utilized occasion of OPANAL meeting in Caracas to discuss OPANAL matters and other non-proliferation related questions with several delegations and with OPANAL and Venezuelan officials. In an initial conversation between OPANAL Secretary General Gros Espiell, Ambassador took the occasion to reiterate to Gros USG concern over the position he had taken with the Soviets on transit (see Mexico 5368).<sup>2</sup> Ambassador emphasized the fact that the position Gros had taken with the Soviets (that Article I of the treaty prohibited transit of nuclear weapons and therefore the Soviets could become party to Protocol II) was wholly inconsistent with the understanding that had permitted the U.S. to become part of the Protocol II and now to take the step of becoming party to Protocol I. Gros stated he did not wish to take any action which would undercut the position of the U.S. or complicate prospects for ratification of Protocol I. Accordingly, Gros said he intended to drop the entire matter.

2. We also took the occasion to ask Gros his assessment of the prospects for the other steps being taken to bring the treaty into effect. Gros stated that the action by the U.S. greatly improves chances for the additional steps to be taken, though he cautioned that each of them could take some time. We asked in particular about Argentina. Gros said he had received some tentative indications that the Argentines might prefer the Treaty of Tlatelolco to either the NPT or the British full scope

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770139-0423. Confidential. Sent for information to Brasilia, Buenos Aires, Mexico City, Moscow, Paris, and the Mission to the International Atomic Energy Agency. The U.S. Representative to OPANAL, Viron Vaky, reiterated Carter's decision to sign Protocol I to OPANAL on April 20. His statement is in telegram 93329 to all American Republic diplomatic posts, April 26. (National Archives, RG 59, Central Foreign Policy File, D770144-1038) After Vaky's statement, the Brazilian representative "pledged to do nothing which would frustrate the objectives of the treaty and reiterated Brazil's support for the cause of non-proliferation of nuclear weapons in Latin America." OPANAL subsequently adopted a resolution "urging" Argentina, Brazil, Chile, and Cuba to "become parties to the treaty and to waive the preconditions to bring the treaty into effect." (Telegram 93330 to all American Republic diplomatic posts, April 26. (National Archives, RG 59, Central Foreign Policy File, D770144-1027)

<sup>2</sup> Telegram 5368 from Mexico City, April 18, reported that Gros Espiell "was delighted and encouraged" by Carter's announcement that he would sign Protocol I. (National Archives, RG 59, Central Foreign Policy File, D770134-0706)



safeguards model as a means of becoming a full field cycle safeguard state, but they had not pursued the question with him recently.<sup>3</sup>

3. During a cocktail reception after the opening session given by the Foreign Minister, Ambassador had the opportunity to have a short private discussion with the Foreign Minister. During these discussions U.S. Representatives emphasized their appreciation for the Foreign Minister's kind remarks concerning President Carter's decision to sign Protocol I and stressed the importance the U.S. attached to having countries, such as Venezuela, continuing to speak out in favor of non-proliferation. Otherwise, there was a risk that non-proliferation would be viewed as a matter of sole interest to the super powers. The Foreign Minister assured U.S. Reps that was not the case and that Venezuela would continue to support U.S. non-proliferation initiatives. We also pointed out that it would now be easier for the U.S. to take other quiet steps to assist the actions of Mexico, Venezuela and others to bring the treaty into force. U.S. Reps pointed out that it would have been difficult for the U.S. to raise this matter with other countries, such as the Soviets, so long as we ourselves had not decided to ratify both protocols. U.S. Reps suggested in turn that Argentina and others in Latin America were not good candidates for American persuasion and that it would be more useful if the Latin American countries themselves kept up the momentum. The Foreign Minister agreed and said he would raise the question with the Argentines when they are in Caracas for a state visit on May 11–16. He stated "we do have some influence on the Argentines". Finally, U.S. Reps pointed out that more ambitious efforts would be needed in the future to deal with the potential problems of reconciling peaceful uses of the atom with the dangers of proliferation and that the U.S. would be spending substantial sums to investigate alternative, inherently safer nuclear technologies. Moreover, it may be necessary to create new international institutions or enhance the role of existing international institutions to reduce the dangers inherent in nuclear power. The Foreign Minister agreed and stated that it might be possible for OPANAL to play such a role, either in carrying out such tasks or in planning and coordinating work which might be carried out by the nations themselves, or by new regional institutions. He thought these matters required further consideration and study, and stated that President Perez will probably wish to discuss these questions directly with President Carter when he makes his state visit.<sup>4</sup>

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<sup>3</sup> The Embassy in Argentina reported that the Argentine Government considered the ratification of the Treaty "a difficult matter which was presently being studied." (Telegram 2917 from Buenos Aires, April 20; National Archives, RG 59, Central Foreign Policy File, D770138–0202)

<sup>4</sup> Venezuelan President Carlos Andres Pérez was scheduled to make a state visit to Washington in late June.

4. In a conversation on April 20, the head of the Mexican Delegation, Gonzalez Galves of the Mexican Foreign Ministry reiterated strongly the point made in Mexico City 5505<sup>5</sup> that the government of Mexico was particularly pleased with the step taken by Pres. Carter. Gonzalez Galves stressed that the American action will make it much easier to put real pressure on the Soviet in particular, and also on the Argentines to ratify Protocol II and the basic treaty respectively. He thought Cuba might be a somewhat more difficult case in the near term though he was optimistic about the eventual outcome. As for the French, he thought they would be last, but that it was just a matter of time before they too became party to Protocol I.

5. Comment: OPANAL officials and others with whom U.S. Reps spoke had ample reasons of their own to wish to stress publicly their pleasure at the step taken by the U.S. since our action tends to increase the pressure on the Soviets to become party to Protocol II. However, these officials were, if anything, more effusive in their praise of the President's position in private conversation. The Mexican pleasure derives primarily from the leading role they have always played in this treaty. The Venezuelans, however, are genuinely worried about proliferation, particularly in Brazil, and enthusiastically support U.S. non-proliferation policies. At the same time, Venezuelans should be expected to occasionally engage in third world rhetoric about "discriminatory supplier policies." Nevertheless, in the final analysis, if at some juncture multi-national solutions become important to a resolution of non-proliferation problems in Brazil or Argentina, we can count on Venezuela taking an active, positive and leading role to assist us.

6. Finally, at the request of the Foreign Ministry, U.S. Rep Williamson met with an official of the Foreign Ministry's international policy division and went over same points made earlier (see para 3) to Foreign Minister. Venezuelans said they were interested in studying these matters in relation to President Perez' upcoming State visit to Washington.

**Vaky**

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<sup>5</sup> Telegram 5505 does not refer to Carter's decision. Reference is likely to telegram 5431 from Mexico City, April 16, which contained the text of Mexican President José López Portillo's congratulations to Carter for his decision to sign Protocol I. (National Archives, RG 59, Central Foreign Policy File, D770133-0526)

**412. Telegram From the Department of State to the Embassies in the Federal Republic of Germany and Brazil<sup>1</sup>**

Washington, April 23, 1977, 2134Z

92297. For Ambs from the Deputy Secretary; London for Nye. Subject: FRG/GOB Nuclear Agreement—Next Steps.

1. We are considering how best to take advantage of the meeting between President Carter and Chancellor Schmidt at the London summit<sup>2</sup> to meet our concerns over aspects of the FRG-Brazil nuclear agreement.

2. The purpose of this cable is to give you our tentative thinking on the elements of a comprehensive settlement and to seek your views on the package as well as possible tactics by which to secure its acceptance.

3. It may be possible to proceed as follows.

—Just prior to the President's meeting with Schmidt, Ambassador Crimmins would deliver a letter from the President for Geisel. The letter would contain appropriate preambular language referring to our mutual energy problems and prospects, the departure from previous US policy represented by our SALT proposals, comprehensive test ban policy, adherence to Protocol I of Tlatelolco, and deferral of domestic reprocessing. The letter would then propose the elements contained in paragraph four below, suitably phrased.

—The letter would be an attempt to wrench this subject out of diplomatic channels and raise it to the level of high statecraft. It might, or might not, make a specific proposal with respect to further discussions. The letter could be delivered through Silveria, possibly with backup duplicate through SRF/SNI channels.

—In his meetings with Schmidt the President would express disappointment that the Germans had issued initial licenses. He would inform Schmidt orally (and via a "Non Paper") of the proposals he had just made to Geisel. The President would ask Schmidt whether he considered the proposals to be reasonable. If, as we hope, Schmidt responds in the affirmative, then the President would ask Schmidt to convey that view personally and explicitly to Geisel.

4. Elements of possible compromise settlement:

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P840086–0628. Secret; Nodis. Sent for information Immediate to London. Drafted by Denis Lamb (D); cleared by Steven Steiner (S/S); and approved by Christopher.

<sup>2</sup> The London Economic Summit, a meeting of the Western industrialized nations, took place on May 7–8. See *Foreign Relations, 1977–1980*, vol. III, Foreign Economic Policy, Documents 27 and 28.

#### A. Treaty of Tlatelolco

—Request Brazil to confirm publicly, consistent with the position taken by Foreign Minister Silveira, that it will act as if bound by the Treaty of Tlatelolco, and thus all of its nuclear facilities will be under IAEA safeguards.

—Over the longer term, offer to work with Brazil to bring the Treaty of Tlatelolco into full effect, with the result that all peaceful nuclear explosives would be precluded. (Brazil is committed not to use its present nuclear supply from the US and Germany for explosives.)

#### B. Expanded Nuclear Cooperation

—Offer to cooperate with Brazil in developing technology associated with high temperature reactors and the thorium fuel cycle, as part of the US-proposed fuel cycle evaluation program. Point out that we believe that these technologies could greatly aid Brazil in achieving energy independence; without reliance on the plutonium economy.

#### C. Enrichment

—Tell Brazil that we accept the contemplated initial steps toward the establishment of a multi-national enrichment facility in Brazil. (Licenses for a laboratory-scale facility utilizing the unproven Becker nozzle process are to be issued in 1979; subsequently a demonstration plant will be licensed.)

#### D. Reprocessing

—Ask Brazil to acquiesce in deferral of any further transfers of reprocessing technology pending evaluation of present and alternative nuclear fuel cycles in the fuel cycle evaluation program.<sup>3</sup>

**Vance**

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<sup>3</sup> On April 27, Crimmins reported in telegram 3330 from Brasilia that “the time has come to make the move” proposed by the Department of State. “The critical factor,” he cautioned, remained “our readiness and ability to exert persuasive influence and pressure on the FRG.” He also urged the administration to make sure that the Brazilians “understand what we are driving at; ambiguity on this point can only lay up serious trouble for the future.” (National Archives, RG 59, Central Foreign Policy File, P840086–3330)

**413. Memorandum From the Executive Secretary of the  
Department of State (Tarnoff) to the President's Assistant for  
National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, May 25, 1977

SUBJECT

U.S. Adherence to Additional Protocol I to the Treaty of Tlatelolco

In response to Mr. Hornblow's memorandum of May 13<sup>2</sup> the Departments of State and Defense<sup>3</sup> have agreed that when the President submits Protocol I to the Senate for advice and consent, he should recommend that United States ratification be made subject to the following statements:

"That the understandings and declarations attached to its ratification of Additional Protocol II apply also to its ratification of Additional Protocol I;

"That the provisions of the Treaty made applicable by this Additional Protocol do not affect the exclusive power and legal competence under international law of a state adhering to this Protocol to grant or deny transit and transport privileges to its own or any other vessels or aircraft;

"That the provisions of the Treaty made applicable by this Additional Protocol do not affect rights under international law of a state adhering to this Protocol regarding the exercise of the freedoms of the seas, or regarding passage through or over waters subject to the sovereignty of a state."

The first of these statements has the effect of repeating our earlier declarations and understandings, notably those stating that Treaty parties retain unimpaired power to grant transit and transport rights to other countries; that the United States recognizes national claims of sovereignty over territorial waters only insofar as such claims are consistent with international law; and that the United States considers that the Treaty covers nuclear explosive devices which are ostensibly for peaceful purposes as well as devices acknowledged to be nuclear weapons. The second statement is designed to express our understanding that we retain our rights to transit our territories' waters and

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 74, General Files, Tlatelolco, Treaty of. Limited Official Use.

<sup>2</sup> Not found.

<sup>3</sup> A more detailed description of the Defense Department's position is contained in a letter from Secretary Brown to Secretary Vance attached to this memorandum. [Footnote is in the original. Brown's letter is attached but not printed.]

airspace with vessels containing nuclear weapons, and to call at ports there; such transitory presence of nuclear weapons would not infringe our undertaking to keep the territories free of nuclear weapons. The purpose of the third statement is to make known our understanding that our obligations under the Protocol do not affect our operations on the high seas, or our rights of innocent passage through territorial waters (or of passage of straits, or of archipelagic passage, if either of these is adopted as international law).

I will forward to you shortly a set of formal submittal and transmittal documents incorporating these interpretive statements.

The Department of State has also consulted with the Puerto Rican Secretary of State on the question of attaching a statement to our ratification that would allow reconsideration of our adherence as to Puerto Rico if Puerto Rico became a state. The effect of ratifying without such a reservation would be that Puerto Rico could not legally be removed from coverage of the Protocol if it became a state; and Puerto Rico would be the only state in which by international obligation we could not place nuclear weapons. The Puerto Rican authorities understood this consequence when they stated during our consultations with them that they had no objection to our ratifying without such a reservation.

The Departments of State and Defense have agreed to recommend that such a provision should not be included in the statements recommended for attachment to our ratification. To do so would dilute the effect of our ratification. Moreover, we believe that application of the Protocol to Puerto Rico as a state would not create an objectionable distinction among states of the Union. In this connection, we note that a number of other treaties have had a similarly limited geographic effect within the United States (e.g., Rush-Bagot Agreement limiting naval forces on the Great Lakes). However, we have noted the matter because the absence of such a reservation could have domestic political consequences in the event of Congressional consideration of statehood for Puerto Rico.

Finally, we believe no mention of the recommended interpretive statements need be made when the President signs the Protocol, since all the proposed statements are technical in character and none reserves obligations of the United States under the Protocol. However, we intend to give a copy of the statements privately to Mexican officials in connection with the signing, indicating to them that we anticipate that these statements will be submitted to the Senate for its consideration.

**Peter Tarnoff**  
*Executive Secretary*

#### 414. Memorandum of Conversation<sup>1</sup>

Washington, May 26, 1977, 1:30 p.m.

##### SUBJECT

CIEC, LOS negotiations, Middle East, Treaty of Tlatelolco

##### PARTICIPANTS

###### *Mexico*

Santiago Roel, Secretary of Foreign Relations

Fernando Solana, Secretary of Commerce

Carlos Tello, Secretary for Programming and Budget

###### *United States*

The Secretary

Warren Christopher, Deputy Secretary of State

Terence A. Todman, Assistant Secretary (ARA)

Herbert B. Thompson, Charge de' Affaires, (notetaker)

[Omitted here is discussion unrelated to the Treaty of Tlatelolco.]

##### *Treaty of Tlatelolco*

Now that the United States has signed the Protocol I of the Treaty of Tlatelolco, Mr. Todman asked what can be done to get others to sign the treaty. Secretary Roel said that Mexico must try to persuade others but cannot pressure them. He said Mexico has spoken to the Cubans and the Argentines. He thought the United States example would be very helpful in encouraging others to sign.<sup>2</sup>

Secretary Vance suggested that the U.S. signing would put some pressure on the Soviets, who have shown considerable sensitivity at our seizing the initiative in disarmament efforts. He suggested that if the Soviets were to sign Cuba might very well follow. Secretary Roel agreed.

Secretary Roel said that he had found this a very useful day and thought it a very important one, given the significant events which it had included. He noted that the events of the day revealed a marked improvement in U.S.—Mexican relations. He asked rhetorically why this should be so. Referring to his accompanying colleagues, he asserted that it is largely because Mexico now has a younger generation which is mature enough to speak plainly with its United States counter-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, P770115–2365. Confidential. Drafted by H.B. Thompson (ARA/MEX); cleared by H.B. Lane (ARA/MEX); and approved by William Twaddell (S) on June 23. The meeting was held in the James Madison Room at the Department of State.

<sup>2</sup> Carter signed Protocol I earlier that day. For the text of his statement see *Public Papers: Carter, 1977*, p. 1027.

parts and to operate on the basis of a psychological sense of equality. In any case, he said, he wanted to express his sincere appreciation for the day. He said he had telephoned President Lopez Portillo, who had expressed himself as very pleased with the visit and had sent his best regards.

Secretary Vance agreed that this had been a very important day. He said that the United States signing of the Treaty of Tlatelolco is of great significance. He said we are particularly grateful to the Foreign Secretary for his extraordinary kindness in going to the lengths of bringing the Treaty to Washington for us to sign. He reminded Secretary Roel that President Carter had already told him of his gratitude.<sup>3</sup> The luncheon concluded with mutual expressions of esteem and friendship.

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<sup>3</sup> According to the President's Daily Diary, Carter met with Secretary Roel from 1:00 to 1:03 p.m. on May 26. (Carter Library, Presidential Materials, President's Daily Diary).

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#### 415. Editorial Note

On June 8, 1977, First Lady Rosalyn Carter met with Brazilian Foreign Secretary Antônio Francisco Azeredo da Silveira in Brasilia to discuss President Jimmy Carter's desire to maintain "close cooperation and consultation with Brazil" on a number of subjects, including the non-proliferation of nuclear weapons. She also asked him to waive the conditions Brazil had articulated regarding ratification of the Treaty of Tlatelolco. Silveira replied that while Brazil believed in safeguarding nuclear materials, "it will never accept restrictions on the transfer of technology." He also said that while Brazil had not ratified the Treaty, it "considers itself committed" to upholding its principles, and had adopted such conditions "as a means of pressuring the Soviets to adhere" to the Treaty. (Telegram 4682 from Brasilia, June 8; National Archives, RG 59, Central Foreign Policy File, D770205-0025)

The Ambassador to Brazil, John Crimmins, later informed Washington about the status of a variety of nuclear issues with Brazil, including the Treaty of Tlatelolco, and advised the Department to follow up on Mrs. Carter's presentation to Silveira, perhaps via a personal letter from Carter to Brazilian President Ernesto Geisel. A private comment by Geisel to the First Lady that "he would consider this matter," Crimmins suggested, might indicate his openness to such a personal entreaty by Carter. The Brazilians, Crimmins stressed, remained "sus-



picious” not only of the Soviet Union but also Argentina’s and Chile’s nuclear ambitions, as well as France’s reticence about signing the Treaty. (Telegram 5033 from Brasilia, June 18; National Archives, RG 59, Central Foreign Policy File, D770219–0055)

The Department of State also tried to enlist other Latin American nations, particularly Mexico, in its diplomatic effort to convince Brazil, Argentina, and Cuba to bring the Treaty of Tlatelolco “into full force within two years.” The Assistant Secretary of State for International Organization Affairs, C. William Maynes, told the Mexican Ambassador to the United States, Sergio Gonzalez Galvez, that the United States “would prefer to work with both Argentina and Brazil so that adherence” to the Treaty was “not achieved under compulsion.” The United States, he said, would take the same tack with the Soviet Union “and continue to do so cautiously.” Maynes also urged the Ambassador to convince Cuba to sign the Treaty. (Memorandum of Conversation, June 27; National Archives, RG 59, Central Foreign Policy File, P770116–1900)

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#### **416. Memorandum of Conversation<sup>1</sup>**

Washington, June 28, 1977, 11:16 a.m.–12:15 p.m.

##### **SUBJECT**

President Carter’s First Meeting with the President of Venezuela During His State Visit

##### **PARTICIPANTS**

President Jimmy Carter  
Vice President Walter Mondale  
Secretary of State Cyrus Vance  
Assistant to the President for National Security Affairs Dr. Zbigniew Brzezinski  
Assistant Secretary of State for Inter-American Affairs Terence A. Todman  
NSC Staff Member Robert A. Pastor (Notetaker)

President Carlos Andres Perez of Venezuela  
Minister of Foreign Affairs Ramon Escovar Salom  
Minister of State for International Economic Affairs Manuel Perez Guerrero  
Minister of Mines and Hydrocarbons Valentin Hernandez Acosta

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 85, Venezuela, 1/77/–12/78. Confidential. The meeting took place in the Cabinet Room. The memorandum of conversation is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXIV, South America; Latin America Regional.

Minister of Finance Hector Hurtado Navarro

Minister of Information and Tourism Diego Arria

Permanent Representative to the United Nations Simon Alberto Consalvi Bottaro

Ambassador to the United States Ignacio Iribarren Borges

Ambassador to the OAS Jose Maria Machin

President Carter opened the conversation by saying that since the United States and Venezuela shared so many goals and values, he was looking forward to seeking President Perez's advice on the many bilateral and multilateral issues of concern to the two governments.

President Carlos Andres Perez thanked President Carter for his generosity and said that "what you attribute to me is precisely what you are." He said that because he identified fully with many of President Carter's policies, he felt that coordination of policies would be easy. President Perez said that he would not only try to relate the Venezuelan view of issues, but also the views of Latin America and the entire developing world.

[Omitted here is discussion unrelated to nuclear non-proliferation.]

On the issue of nuclear energy, President Perez said that he thought that a *Latin American organization* like OLADE (a Latin American Energy Organization set up by a Venezuelan initiative) or OPANAL (responsible for implementing the Tlatelolco Treaty) *would be one way of approaching the problem of developing nuclear energy*, and he suggested SELA<sup>2</sup> as a possible channel or perhaps as an organization that could manage a reprocessing plant. On reprocessing, he said that Brazil was basically using the need for a reprocessing plant as an excuse to obtain a nuclear weapons' capability, which it wanted for reasons of status.

[Omitted here is discussion unrelated to nuclear non-proliferation.]

President Carter reiterated his *strong opposition to the creation of nuclear explosives capabilities in the Hemisphere*, and said that Mrs. Carter had made this point with many leaders, but particularly with Brazilian President Geisel.<sup>3</sup> In addition, we continue to put maximum pressure on Germany and Brazil to try to get their agreement modified. Our general policy will remain that we will continue to provide *nuclear fuel for these countries which do not have reprocessing capabilities*.

The President said that Geisel had claimed his intentions were peaceful, but Mrs. Carter had warned that his successors may not be so peaceful. Speculating on Brazil's motives, the President thought that

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<sup>2</sup> The Sistema Económico Latinoamericano y del Caribe or Economic System of Latin America and the Caribbean, a regional organization dedicated to promoting economic cooperation and social development.

<sup>3</sup> See Document 415.

the capability to produce nuclear weapons probably held a certain status for Brazil and represented greater equality in power.

Nonetheless, Mrs. Carter encouraged Geisel to bring the Treaty of Tlatelolco into effect. *The US has also asked the Soviets, and if Argentina could ratify it, that would remove Brazil's excuse. The President said that Argentina's apparent desire to build a reprocessing plant caused him some concern.* He had signed Protocol I as an indication of his commitment. He asked *whether Venezuela would use its influence to encourage Argentina's ratification of the Tlatelolco Treaty.*

[Omitted here is discussion unrelated to nuclear non-proliferation.]

President Perez then told of his recent and very frank conversation with a representative from *French President Giscard*. President Perez told him that France was setting a bad example in Latin America in its reluctance to sign the *Tlatelolco Treaty* and its non-proliferation policies,<sup>4</sup> and that *Venezuela supported President Carter's initiatives in this area. President Perez said that President Videla of Argentina made a commitment to try to have Argentina subscribe to the Tlatelolco Treaty, but Videla couldn't give Perez complete assurances until he examined the issue with the rest of his government.*

[Omitted here is discussion unrelated to nuclear non-proliferation.]

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<sup>4</sup> Giscard had told Carter on May 9 that "France sees that it is impossible and unjust to prevent many countries from getting the benefits of atomic energy." In particular, he noted that Brazil wanted the "full system, particularly for dignity and independence." Nevertheless, he agreed that "[w]e must avoid transfer of technology that is not needed for peaceful purposes." (Memorandum of Conversation, May 9; Carter Library, National Security Affairs, Staff Material, Meetings File, Box 75: Subject: Box 1 (II))

417. Memorandum of Conversation<sup>1</sup>

Washington, July 13, 1977, 11:00 a.m.–12:25 p.m.

## PARTICIPANTS

The President  
 The Vice President  
 Secretary of State Cyrus Vance  
 Assistant to the President for National Security Affairs Dr. Zbigniew Brzezinski  
 Ambassador Walter Stoessel  
 Ambassador Gerard Smith  
 Assistant Secretary of State for European Affairs George Vest  
 Gregory F. Treverton, NSC Staff Member, Notetaker  
  
 Chancellor Helmut Schmidt  
 Foreign Minister Hans Dietrich Genscher  
 Ambassador Berndt von Staden  
 State Secretary Manfred Schueler  
 State Secretary Klaus Boelling  
 Assistant Secretary for Political Affairs Juergen Ruhfus  
 Assistant Secretary Dieter Hiss  
 Interpreter for Minister Genscher, Mrs. Gisela Niederste-Ostholt

[Omitted here is discussion unrelated to nuclear non-proliferation.]

*Non-Proliferation*

[Omitted here is discussion unrelated to nuclear non-proliferation in Latin America.]

*The President* said that if we can identify the problems, we can address them. Brazilian President Geisel had told Mrs. Carter that Argentina was building a reprocessing plant and he implied that Brazil would not if Argentina did not. Neither country has signed the Tlatelolco Treaty. The President felt that if we can assure autonomous fuel

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 24, German Federal Republic, 4/77–3/78. Secret; Sensitive. The meeting took place in the Cabinet Room. The conversation is scheduled to be printed in full in *Foreign Relations, 1977–1980*, vol. XXVII, Western Europe. In an undated memorandum to Carter, Vance advised him to try to convince Schmidt to at least defer the transfer of nuclear materials to Brazil while simultaneously convincing Brazil and Argentina to implement the Treaty of Tlatelolco. (Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 24, German Federal Republic, 4/77–3/78) In a July 12 memorandum to Carter, Brzezinski called Schmidt's visit "unusually important" not only because Schmidt's political future was considered "extremely clouded" both domestically and within the Atlantic alliance, but because of U.S. pressure to abrogate the Brazilian nuclear deal. Brzezinski said that Schmidt considered fulfilling "his contractual obligations" a "matter of 'honor,' especially so with all the Third World watching. Nor can Germany afford to repudiate an agreement that encounters American disapproval. *What is frustrating for the Germans is that they basically share your non-proliferation goals, but for the foregoing reasons, feel that the Brazilian deal allows for little compromise.*" (emphasis in the original) (Ibid.)

supply arrangements, then progress can be made. The U.S. was unsuccessful in getting Argentina to sign the Tlatelolco Treaty. Brazil is not a party to the NPT. Brazil has signed the Tlatelolco Treaty, but it is not yet in force. The U.S. signed; it will not introduce nuclear weapons in Puerto Rico or the Canal Zone. We are pressing the Soviets and the French to sign.

*The Chancellor* said that the FRG's view was that cooperation must be based upon equal status. He felt an amendment to the NPT would be difficult to achieve. It was better to work within the IAEA (which he labelled, jokingly, "a modern American four-letter word").

*The President* said that the concern with non-proliferation had predated his Administration.

[Omitted here is discussion unrelated to nuclear nonproliferation.]

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#### **418. Telegram From the Embassy in the Soviet Union to the Department of State<sup>1</sup>**

Moscow, August 16, 1977, 1555Z

11862. USIAEA. Subject: Cuban Influence on Soviet Signing of Tlatelolco Treaty Protocol.

1. Subject of Treaty of Tlatelolco and Protocols arose in conversation between Emboff and MFA Disarmament Chief, Roland Timerbayev, August 10. Emboff asked if there had been any movement on the Soviet consideration of Protocol One and Timerbayev replied that it was still under study. Some weeks ago Timerbayev had expressed doubt to Emboff that U.S. ratification of Protocol Two would be without reservation and hinted that possible U.S. reservations on Protocol Two could affect Soviet action on Protocol One. Asked about reasons for delay in Soviet action, he mentioned Cuba and when pressed said that "it is logical to assume" that Soviet-Cuban relations were an important factor in Soviet decision on ratification. He refused to be drawn out further. He also claimed that the Soviet Union was trying to get the Cubans to sign the NPT, and that Moscow expected to assume the major share of the burden among the nuclear powers in getting Cuba to sign. In the same way, the USSR looked to the U.S. and

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770295–0784. Confidential. Sent for information to Vienna.

other Western nuclear powers to play the major role in getting the South Africans to adhere to the NPT.

2. Comment: To best of our knowledge, this is first comment by Soviet official on Cuban influence on Soviet signing of Protocol One of Treaty although Editor-in-Chief of Latin America magazine, Sergo Mikoyan, made general linkage to Emboffs during recent conversation (June 2 Memcon pouched to Dept).<sup>2</sup>

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<sup>2</sup> Mikoyan's comments were reported in telegram 7783 from Moscow, June 2. (National Archives, RG 59, Central Foreign Policy File, D770197-0560)

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#### **419. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, August 31, 1977

##### **SUBJECT**

Nonproliferation and Nuclear Assistance

State does not believe that there are any important decisions pending in this area. On nuclear proliferation, we are awaiting a more propitious time—probably after INFCEP discussions in October—for our consultations with Brazil and Germany. State and NSC recommend that you continue to pursue Tlatelolco with Argentina, Chile, and Brazil (either directly or by the Vice President).

Representative Paul Findley (Rep. Ill.) had an article in the *Washington Post* on Thursday, September 1,<sup>2</sup> urging Argentina and Brazil (and indirectly, you) to agree to bilateral, on-site, nuclear verification agreements as a way to check the advance of both countries toward a full fuel cycle. The problem with his proposal is that Argentina and Brazil could conceivably collude to cheat, and thus it is probably better to stay with the original strategy.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Subject, Treaty of Tlatelolco, Box 66, Brazil, 3-12/77. Secret. Sent for action.

<sup>2</sup> See Paul Findley, "Chances for a Latin American Agreement," *Washington Post*, September 1, 1977.

## Attachment

### Paper Prepared by the Department of State and the National Security Council<sup>3</sup>

Washington, undated

#### NON-PROLIFERATION

##### ISSUE FOR DECISION

No policy decisions on Latin American non-proliferation questions appear to be required at the present time.

##### ESSENTIAL FACTORS

###### 1. *Nuclear Cooperation*

We have indicated on several occasions—in the President's April 14 OAS speech,<sup>4</sup> at the April meeting of OPANAL<sup>5</sup> (the Treaty of Tlatelolco implementation organization), and at the July meeting of the Inter-American Nuclear Energy Commission (IANEC)<sup>6</sup>—that we are in favor of expanding our nuclear cooperation with Latin American states, not only on a bilateral basis and through the IAEA, but also through Latin American regional institutions.

Few Latin American states have significant nuclear energy programs. While we have supplied power reactors to Brazil and Mexico, our bilateral cooperation to date has largely involved the transfer of research reactors and fuel to a limited number of recipients, including Argentina, Brazil, Colombia, Mexico, and Venezuela, and no requests for the transfer of power reactors are pending. We would be prepared in the future to conclude agreements for cooperation with additional Latin American states, provided they can accept the non-proliferation constraints that will be required by pending legislation. Future cooperation with Argentina and Brazil will be influenced by the outcome of current disagreements with both countries over their desire to acquire sensitive fuel cycle technologies and their failure to adhere either to the NPT or the Treaty of Tlatelolco.<sup>7</sup> (Our strategy for dealing with Argen-

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<sup>3</sup> Confidential.

<sup>4</sup> See Document 410.

<sup>5</sup> See Document 411.

<sup>6</sup> Not found.

<sup>7</sup> Brzezinski discussed the issue of trying to get Argentina and Brazil to sign the Treaty of Tlatelolco or the NPT in an August 3 memorandum to Vance. (Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Country Chron, Box 5, Brazil, 9–12/77)

tine and Brazilian problems, which the President has approved, is outlined in Ambassador Smith's July 22 memorandum to Secretary Vance, a copy of which was sent to you.)<sup>8</sup>

We have not expressed any preference regarding which institution or institutions should be used for promoting regional nuclear cooperation, and have indicated that we would be prepared to go along with any clear preference that may develop among the states of the region. Some states, particularly Venezuela and Argentina, have favored the revitalization of IANEC, an OAS subsidiary organ, while others, notably Mexico, support giving OPANAL a role in the peaceful nuclear energy field. We have been neutral on this question (supporting both a study of OPANAL's future role in nuclear cooperation and a two-year, \$400,000 plan of action for IANEC), and for the time being plan to remain so in the absence of a clearer Latin American consensus than exists at present.

## 2. *Treaty of Tlatelolco*

Aside from US ratification of Protocol I, remaining requirements for full entry into force of the Treaty of Tlatelolco are Cuban and Argentine ratification of the Treaty, French adherence to Protocol I, and Soviet adherence to Protocol II. Although Brazil and Chile have already ratified, they have so far chosen not to waive the conditions for bringing the Treaty into force for themselves.<sup>9</sup>

We have begun to implement a strategy for bringing the Treaty into full force, and will actively continue our efforts during the next several weeks. We have not approached Cuba directly, but have encouraged key Latin American supporters of the Treaty (e.g., Venezuela, Colombia, Mexico, Peru) to urge adherence by the holdout states. We have also asked the USSR to encourage Cuba to join the Treaty. In the case of Argentina, we have raised the issue directly with the Argentine leadership, and have also relied on efforts by other Latin American states. The visit of Latin American leaders to Washington next week will provide an opportunity to continue these efforts. Moreover, the proposals we plan to make to Argentina and Brazil in the hope of resolving the current disagreements include acceptance by those states of fullscope IAEA safeguards, which could be accomplished through Tlatelolco adherence.

With respect to non-hemispheric holdouts, we have already raised the question of Protocol II with the Soviets at several levels and they

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<sup>8</sup> Smith's memorandum is Ibid.

<sup>9</sup> An unknown hand underlined "Cuban," "Argentine ratification," "French adherence to Protocol I," "Brazil," "Chile," and "waive the conditions" in this paragraph and wrote "specific conditions" in the right-hand margin next to this paragraph.



have told us they would reconsider their position. In addition, we plan to raise Protocol I when French Prime Minister Barre visits Washington on September 15. We do not believe there are realistic prospects for securing Soviet and French adherence by the time of the Panama signing ceremony.

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#### 420. Draft Memorandum of Conversation<sup>1</sup>

Washington, September 9, 1977, 9:00 a.m.

##### SUBJECT

President Carter/President Videla Bilateral

##### PARTICIPANTS

###### *ARGENTINA*

Lt. General Jorge Rafael Videla  
President of Argentina  
Oscar A. Montes, Minister of  
Foreign Affairs and Worship  
Jorge A. Aja Espil, Ambassador to  
the United States  
Julio Cesar Carasales,  
Ambassador to OAS  
Enrique Quintana, Chief of  
Protocol  
Cdr. Eduardo Alberto Traid,  
Aide-de-camp

###### *US*

President Carter  
Vice President Mondale  
Secretary Vance  
Dr. Zbigniew Brzezinski  
Assistant Secretary Todman  
Robert Pastor, NSC  
Charge Maxwell Chaplin

President Carter opened the conversation by expressing his pleasure at the attendance of the Argentine President and emphasizing its significance as a demonstration of hope for the Panama Canal Treaty. He was also pleased that it provided an opportunity for the hemispheric leaders to have conversations about issues of common concern.

President Videla expressed his satisfaction over the opportunity to witness an event of such major importance as the Canal Treaty Signing, as well as the opportunity to have a face-to-face discussion with the President. He observed that the signature of the treaty not only denotes the end of one era but opens a new one in which the United States has

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<sup>1</sup> Source: National Archives, RG 59, Papers of Warren Christopher, P-13, Box 13, Human Rights—Argentina I. Confidential. The meeting took place at the White House. A stamped notation at the top of the memorandum reads “Has not been revised by the NSC.” No other record of this meeting was found.

demonstrated its sincerity and goodwill toward Latin America. He added that the Argentine presence was his government's effort to establish its goodwill in response. He observed that while US-Argentine relations have had their ups and downs throughout history, the temporary circumstances which impeded close relations have always been overcome by the basic identity of interests of the two nations.

As a parenthetical comment, President Carter observed to Videla that his Spanish was the clearest and easiest to understand he had ever heard—the President either chose simple words or had an unusually clear manner of expressing himself. He found this typical of the Argentina which he and his wife had visited some years previously. President Carter also added his thanks for the hospitality that President Videla had shown to Assistant Secretary Todman during the latter's recent visit to Argentina.

President Carter said he hoped to have a frank discussion of two major issues with the objective of optimizing relations between the two nations.

#### *Non-Proliferation*

President Carter considered the threat of nuclear explosives the greatest problem facing the hemisphere. Because Argentina leads the Latin American nations in nuclear technology—which is a great credit to Argentina—he hoped that Argentina could also lead in the establishment of a nuclear free zone in the area and the prevention of introduction to nuclear explosives. He observed that all hemispheric countries but Cuba and Argentina had signed and ratified the Treaty of Tlatelolco and that Chile and Brazil had conditioned their approval of that treaty upon Argentina's ratification and acceptance of it. He expressed the hope that Argentina would ratify this treaty which would provide unrestricted use of nuclear energy for power but no introduction of nuclear explosives.

President Carter said that the United States, the European community, Canada and Australia were now evolving a study of fuel cycle from ore to reactor wastes and safeguards. On October 19 there will be a three-day meeting on this subject, and it would be helpful if the GOA could be represented at this meeting. He envisaged establishing common policies with regard to the export of nuclear technology, heavy water and enriched uranium. He said this policy envisages restriction of sale of these items to countries which do not cooperate in the non-proliferation effort. President Carter said he understood that Argentina was cooperating with Canada with respect to limited safeguards but stressed the importance the United States places on the NFZ and the NPT.

President Videla responded by observing that the two countries' coincidence of interest was mirrored by the fact that the two Presidents'

agendas were the same. He did not perceive these issues as problems but as opportunities for progress. He reviewed Argentina's 25 years' work in developing the peaceful use of nuclear energy, noting that one power reactor is currently in use, a second under construction and a third in the planning phase. He understood President Carter's concern over the misuse of nuclear energy and said Argentina had offered to establish safeguards beyond those which were really needed. However, he understood that even this may not be sufficient reassurance for Latin America and the world.

President Videla said the GOA had considered ratifying the Treaty of Tlatelolco but stressed that President Carter must be aware of the great need for proper political timing of such an action. Argentina was only 18 months away from its gravest national crisis, so the government must be particularly careful not to disturb the progress toward normalcy. He stated that as soon as political conditions permit—perhaps before the end of the year—he would give proof of the GOA goodwill with regard to non-proliferation by ratifying the Treaty of Tlatelolco. He asked if this reassured President Carter.

President Carter said it did, and stated that if the GOA decided to send a delegation to the fuel cycle conference, it would be particularly exciting if it would be possible to announce intended ratification of the treaty at that time, but he would defer to President Videla on the best political timing. With Argentine ratification, the treaty would be in effect for all countries but Cuba, and the United States would be raising this issue with the Cubans. The President added that Argentine ratification would also remove our concerns about technology and heavy water supply to Argentina from the United States and other suppliers. The President had discussed this very issue the previous day with Prime Minister Trudeau in the interest of establishing a common export policy.

[Omitted here is discussion unrelated to non-proliferation.]

#### 421. Telegram From the Interests Section in Cuba to the Department of State<sup>1</sup>

Havana, September 22, 1977, 1800Z

170. Subj: Cubans and NPT.

1. USINT Chief and First Secretary (Glassman) made courtesy call on Soviet Chargé Narlen Manasov and Political Counselor Aleksander S. Seletsky, September 20. In course of tour d'horizon, USINT officers inquired whether Soviets had urged Cuba to sign Non-Proliferation Treaty (NPT). Manasov, a veteran of six years here, said that Soviet Embassy here had never rpt never made approach to Cubans on NPT; he did not comment on approaches elsewhere.

2. Manasov recalled that Cuban UN Perm Rep Alarcon had some time ago set forth position that Cuba would not sign NPT until Guantamo base removed, Panama Canal problem settled, and U.S. embargo on Cuba lifted. (FYI on Panama Canal treaties, Manasov remarked that, in his personal opinion, treaties were best that could be negotiated at present time. He said that Cubans definitely support treaties.) With regard to Treaty of Tlatelolco and its Protocols, asserted that lack of Soviet and Cuban adhesion stemmed in part from fact that U.S. maintained right for its warships carrying nuclear weapons to transit Panama Canal, implying that this would be special privilege.

3. British Ambassador told USINT Chief, during recent call, that during visit early this month of British MP Eldon Griffiths, latter pressed Cuban Vice-President Carlos Rafael Rodriguez for GOC to sign NPT. Rodriguez reportedly stated that Cubans would not sign NPT as matter of principle while it had powerful nuclear neighbor with which it has serious differences. Implication, consistent with Alarcon's reported position, was that change in this position in long term is possible when major problems with U.S. have been resolved.

4. Action requested: Department and ACDA requested to forward available information on bases of Soviet and Cuban objections to Treaty of Tlatelolco and its Protocols. Also request background on any conditions, other than those cited above, which Cubans have posed for signing NPT.

Lane

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770345-1044. Confidential. Sent for information to Mexico City, Moscow, Panama, and London.

**422. Telegram From the Embassy in Argentina to the Department of State<sup>1</sup>**

Buenos Aires, October 18, 1977, 1417Z

7732. Subject: Tlatelolco Treaty. Ref: (A) State 242904<sup>2</sup> (B) Buenos Aires 7577<sup>3</sup> (Both Notal).

1. Summary: Ratification of Tlatelolco has acquired serious political dimensions and its fate remains doubtful. President Videla and ranking officials of the Argentine Commission on Atomic Energy (CNEA) have indicated privately that they are not opposed to ratification but that it cannot be done without heavy political cost to the government. Nationalistic groups both within and without the government are against ratification, which is variously seen as: a further encroachment on national sovereignty; a weakening of Argentina's position as a developing nuclear power vis a vis Brazil; unacceptable bending to U.S. and foreign pressure; and a bargaining chip which should be used to extract better treatment from the U.S. CNEA officials say ratification is being studied and a decision will be made in time to discuss with Secretary Vance on his visit to Argentina in November. End summary.

2. Argentina's intentions concerning Tlatelolco are clouded by serious political implications. President Videla, during his meeting with President Carter in Washington last month<sup>4</sup> said he was not opposed to ratification but that it would require careful political timing. CNEA officials have also privately indicated that they have no objection to

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770382–0746. Secret; Immediate. Sent for information to Brasilia.

<sup>2</sup> In telegram 242904 to Buenos Aires, October 9, the Department of State asked the Embassy to estimate whether or not Argentina would ratify the Treaty of Tlatelolco in the near future and to assess which groups within Argentina favored or opposed ratification. (National Archives, RG 59, Central Foreign Policy File, D770369–0339)

<sup>3</sup> Telegram 7577 from Buenos Aires, October 11, relayed the comments of Rear Admiral Carlos Castro Madero, the President of the Comisión Nacional de Energía Atómica (Argentina's Atomic Energy Commission), who said that "Argentina adheres totally to the principle of nuclear non-proliferation for war purposes but cannot accept restrictions to the development of Argentina's nuclear plan for the sake of non-proliferation." (National Archives, RG 59, Central Foreign Policy File, D770371–0176)

<sup>4</sup> Carter and Videla met on September 7. Videla said that "as soon as political conditions permit—perhaps before the end of the year, Argentina would ratify the Treaty of Tlatelolco." Carter replied that the administration would "talk to the Cubans about signing" the Treaty and also asked if "Argentina would send representatives to the International Fuel Cycle Evaluation Conference" (INFCE) scheduled to run from October 19–21, 1977. Videla did not respond to Carter's question. (Checklist and Follow-up Items, Meeting between President Carter and President Videla, September 9; Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 45, Latin America, 9–11/77) For more on the INFCE conference, see Document 359.

ratification but that it would be at significant political cost to the Videla Government. The issue is currently being studied by the Argentine Government and a decision will be made in time to discuss with Secretary Vance during his visit in November, according to CNEA Secretary General Jorge Coll (protect).

3. Chief opposition to ratification comes mainly from nationalistic elements—both right and left wing—from both within and outside the government. While it is likely that the treaty is poorly understood by many of its opponents, it has nevertheless come to be seen as another issue in the sensitive area of Argentine national sovereignty.<sup>5</sup> CNEA officials have said that opponents to the treaty are principally nationalist elements who would take advantage of its ratification to accuse the current leadership of selling out the country's basic interests. CNEA President Admiral Castro Madero heightened such nationalistic sentiments recently by declaring that Argentina cannot accept restrictions to development of its nuclear plan for the sake of non-proliferation. (BA 7577). The belief that advanced nuclear powers are pressuring and discriminating against smaller countries to impede their development of nuclear power has helped to harden sentiment against ratification.

4. Castro Madero himself has privately told Emboff that he personally cannot see why the USG is so interested in Tlatelolco since the treaty permits nuclear explosions for peaceful purposes, a type of nuclear capability which could easily be diverted to non-peaceful purposes. As Argentina has expressed willingness to accept full-scope safeguards, Castro Madero claims that the treaty will not bind Argentina any more than it will already be under other safeguard agreements.

5. Other opponents, seriously concerned with Brazilian intentions and efforts in the nuclear energy field, claim ratification will further weaken Argentina's position as the most advanced nuclear power in South America. Minister Diaz Bessone, for example, privately claimed to Datt that Argentina cannot afford to do anything that will restrict its chances or enhance Brazil in the competition to develop nuclear power capability.

6. The perception among the military that nuclear non-proliferation, and, more immediately, Argentina's ratification of Tlatelolco are major U.S. foreign policy goals, has led some military to be-

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<sup>5</sup> On October 18, Castro Madero displayed "surprise that the USG attached such importance to Tlatelolco" during a meeting with a U.S. Delegation headed by Ambassador-at-Large Gerard Smith. He also "made clear that 'political' motivation" for Argentina's need to continue reprocessing nuclear materials was influenced by Brazil's determination to establish its own independent reprocessing program. (Telegram 255565 to Buenos Aires, October 26; National Archives, RG 59, Central Foreign Policy File, D770392-1097)

lieve ratification can and should be used as a “bargaining chip” to extract better treatment from the U.S., particularly over human rights questions. They see the U.S. making concessions and soft-peddalling on Brazilian human rights violations in order to influence that country’s nuclear power program, and would like to use Tlatelolco in the same way. Others admire the Brazilian government’s blunt negative reaction to U.S. human rights pressure and advocate a similar aggressively non-cooperative attitude for Argentina on matters of U.S. bilateral concern.

7. Other objections to ratification were registered by the CNEA advisory committee on safe guards which reported that adherence to the treaty would bring a number of disadvantages. These include: the financial cost of staffing and maintaining the large complex administrative mechanism foreseen in the treaty; excessive layering of inspection requirements beyond those levied in other international and bilateral nuclear agreements; and the political inacceptability of having Great Britain be a party to additional Protocol I by signing for the Falkland Islands as required by the treaty (Paragraph 1.B of Article 28). Argentina does not recognize British sovereignty over the islands. [*less than 1 line not declassified*]

8. While the Tlatelolco treaty—as most nuclear questions—is of interest to only a small sector of the public, strong opposition from vocal military and civilian interest groups and the growing awareness of nuclear capability as an important foreign policy tool will make ratification a costly business for the Videla Government. Should the Videla Government opt in favor of ratification quickly and without any apparent concession on the part of the U.S., the navy can be expected to find fault with the decision and use it to paint itself as the major defender of the country’s sovereignty. It should also be pointed out that even should Videla agree to ratification, the actual process would require approval from the legislative advisory commission (CAL) and a junta decree. CAL has rejected government-introduced proposals before and other government and military officials, most particularly Admiral Massera, could, despite the most careful preparations on the part of the Videla Government, use public doubts on the issue for self-promoting propaganda.

9. This cable is classified secret—not releasable to foreign nationals—[*1 line not declassified*]

**Chaplin**

#### 423. Telegram From the Department of State to the United States Interests Section in Cuba<sup>1</sup>

Washington, October 19, 1977, 2046Z

251232. Subject: Cuba and the Treaty of Tlatelolco. Ref: Havana 170.<sup>2</sup>

1. Principal reasons given by Cuba for not attending Treaty of Tlatelolco negotiations and, subsequently, for not adhering were: (A) "aggressive policies" of the US toward Cuba; (B) need to denuclearize US military bases in Puerto Rico, Virgin Islands, and Canal Zone; and (C) "illegal detention" of Guantanamo. Officials of Mexican Government and Organization for Proscription of Nuclear Weapons in Latin America (OPANAL), the Treaty of Tlatelolco implementation organization, have from time to time consulted Cuba on adherence to treaty. Ambassador Gros Espiel, Secretary-General of OPANAL, recently told Amd. Lucey that he considered present Cuban attitude toward treaty to be very negative,<sup>3</sup> and that he planned to postpone further efforts to persuade Cuba to join until US had completed Protocol I ratification. Mexican CCD Rep and principal author of Tlatelolco Treaty, Garcia Robles, has expressed opinion that Cuba is likely to join only in context of continuing improvement in US-Cuban relations.

2. Cuban adherence to Treaty of Tlatelolco is one of few remaining requirements for bringing treaty regime fully into force throughout region, which would involve acceptance of full-scope IAEA safeguards by all Latin American states and would be a major step forward in global non-proliferation efforts. Remaining requirements under Treaty's entry into force provision are Argentine ratification (they have already signed), Cuban signature and ratification, Soviet adherence to Protocol II and French and US adherence to Protocol I (President Carter signed Protocol I on behalf of US on May 26, 1977, and Protocol will soon be sent to Senate for ratification). Brazil and Chile have already ratified but (unlike the 22 other Latin American states that have done so) have exercised their right under Treaty's entry into force provision not to waive conditions for bringing treaty into force for themselves.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Subject, Treaty of Tlatelolco, Box 66, Brazil, 3-12/77. Confidential; Priority. Sent for information Priority to Mexico City, Moscow, Panama City, and London. Drafted by Robert Einhorn (ACDA/NP) and Lorna Watson (ACDA/NP); cleared by Oplinger, Lawrence Scheinman (T), Philip Farley (S/AS), Mark Garrison (EUR/SOV), Emery Smith (ARA), and Luigi Einaudi (ARA/PCC); and approved by Charles Van Doren (ACDA).

<sup>2</sup> See Document 421.

<sup>3</sup> Gros Espiel's remarks are reported in telegram 15579 from Mexico City, September 16. (National Archives, RG 59, Central Foreign Policy File, D770337-0740)



When above requirements fulfilled, these two would become automatically bound.

3. Soviet Union has maintained that it has not adhered to Protocol II because Treaty of Tlatelolco (A) does not unambiguously ban indigenous development of nuclear explosive devices ostensibly for peaceful purposes, (B) does not ban transit with nuclear weapons through the territorial sea, overflight, and port visits, and (C) does envisage expansion of zone of application to large areas of high seas.

4. In recent months, we have approached Soviets on several occasions at high levels to urge them to adhere to Protocol II (and to urge them to encourage Cuban adherence to treaty). We have sought to allay Soviet concerns on legal grounds by (A) explaining our interpretation, which was formally stated in association with our ratification of Protocol II and which is shared by all present parties to the treaty, that the treaty bans indigenous development of any nuclear explosive device; (B) explaining our interpretation, which will be presented formally when we ratify Protocol I, that treaty zone of application does not affect freedom of navigation on high seas; and (C) pointing out that the US view on transit privileges (i.e., that the treaty does not affect the right of parties under International Law to grant or deny transit privileges, including port visits, to states outside the region) is based on an agreed interpretation by the Latin American states and does not give the US special privilege. We have recently heard from Soviet officials that chief problem is political in nature—their relationship with Cuba.

5. On NPT, Soviet MFA disarmament Chief Timberbaev told US on August 10 that USSR was trying to get Cuba to sign treaty.<sup>4</sup>

6. US interest in obtaining Cuban adherence to Treaty of Tlatelolco has so far mainly been served by urging Latin American proponents of treaty to encourage remaining Latin American holdout states to join. There may, however, be value in direct US-Cuban contacts on this question. Therefore, if USINT Havana considers it advisable you are authorized, in whatever manner you consider most promising, to raise question of Tlatelolco adherence with Cubans. In doing so, you may wish to draw on following points:

—By signing Protocol I this year and earlier by adhering to Protocol II, the US is formally committing itself not to deploy nuclear weapons anywhere in the Latin American region. In addition, Protocol II contains an assurance against the use of nuclear weapons against parties to the treaty. We hope that these actions will contribute to bringing the Treaty of Tlatelolco regime fully into force throughout Latin America. In particular, we hope that our actions will encourage

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<sup>4</sup> See Document 418.

others who are in a position to take steps toward achieving that objective to reconsider their attitudes towards the treaty.

—We believe that completion of this important Latin American endeavor will make a major contribution to the security of the entire Western Hemisphere and would serve as an important example to other regions of the world.

—At the Protocol I signing ceremony, President Carter expressed his support for the initiative taken by the people of Latin America to rid their region forever of the threat of nuclear war. “As I said in my own inaugural address, our ultimate hope is that we can eliminate completely from the earth any dependence upon atomic weapons, and I think it is significant and typical of our Latin American neighbors and those countries in the Caribbean that tens years before that time they had already made this worthy commitment which sets an example for the world.”

Vance

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**424. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, November 2, 1977

SUBJECT

Nuclear Fuel for Brazil

At *Tab A* is a recommendation from Gerry Smith,<sup>2</sup> supported by State and DOE, that you recommend to the NRC that they approve shipment of the initial loading of low-enriched fuel for Brazil's Angra I reactor. ACDA does not oppose the recommendation, but has some reservations which are also at *Tab A*.<sup>3</sup>

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 6, Brazil, 1-12/77. Secret. Sent for action. In the upper-right hand margin, Carter wrote “Zbig—ok—but: Draft a frank ltr to Giesel, pointing out obstacles after I make the recommendation to NRC. J.C.”

<sup>2</sup> Attached but not printed.

<sup>3</sup> Attached but not printed.

Our agreement with the Brazilians<sup>4</sup> envisaged shipment of the fuel by December 1977 in order to meet the planned start-up date of the reactor in July 1978. [*less than 1 line not declassified*] the date is likely to slip by as much as one year because of construction problems and bad site selection. Nevertheless, there is no question that the Brazilians feel that we are legally and morally bound to approve shipment by December.

As you will recall, this issue arose when you sent the letter to Geisel last week.<sup>5</sup> Our initial strategy was to have made our new proposal to the Brazilians and Germans simultaneously, in order to avoid a recurrence of last February's incident when the Brazilians accused us of trying to go behind their backs in talks with the Germans. We now fear that there is a high probability that the Germans will tell the Brazilians of our proposal (possibly in a highly distorted form) and that, out of pique, the Brazilians will refuse to invite Gerry Smith or to give the proposal serious consideration. State and Smith feel extremely strongly that *the only chance* for a fair hearing is for you to remove the Sword of Damocles—the Angra fuel—by confidentially notifying them that you have recommended approval to the NRC.

You should be aware of the risks of this decision. In three areas Brazil does not precisely meet the criteria of the new non-proliferation bill,<sup>6</sup> and it is therefore quite possible that the NRC will refuse the license, and/or that the license would be the subject of legal proceedings by anti-nuclear groups. The three areas are: Brazil's refusal to give us an explicit no-PNE assurance; Brazil's refusal to accept full scope safeguards; and, the lack of explicit and airtight provisions in the US-Brazil Agreement for Cooperation giving the US a right of veto over the reprocessing of both US-origin and foreign fuel from Brazilian reactors. These are all legal questions that can be interpreted one way or the other. *What is clear is that there is a basis here for controversy in Congress, in the courts, and at the NRC over whether approval of this license is consistent with your non-proliferation policy.*<sup>7</sup>

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<sup>4</sup> On July 17, 1972, the United States and Brazil signed an agreement whereby the United States would provide low-enriched nuclear fuel to Brazil for its Angra I reactor.

<sup>5</sup> Carter wrote Giesel on October 25 that he was prepared to send Smith to Brazil "to discuss with you our new ideas, or to adopt any other mode you prefer," on the nuclear question in advance of Carter's expected visit to Brazil later in November. (Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Country Chron, Box 5, Brazil, 9–12/77) Geisel replied on October 31 and said he welcomed Smith's visit. (Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 6, Brazil, 1–12/77)

<sup>6</sup> Reference is to Carter's proposal for a Nuclear Non-Proliferation Act which he submitted to Congress on April 27.

<sup>7</sup> To the left of this paragraph, Carter wrote "I presume they meet present criteria. J."

Finally, there is the question of whether the Brazilians are more likely to be responsive to our proposal if we withhold the fuel or if we grant it. This is a personal judgment. I can only add that those who have been directly dealing with the Brazilians are united in believing that we should approve the shipment immediately, and that your decision should be conveyed privately and confidentially to the Brazilians by Ambassador Crimmins.

*RECOMMENDATION:*

That you recommend to the NRC that they approve shipment of this initial loading of low-enriched fuel for Brazil's Angra I reactor.<sup>8</sup>

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<sup>8</sup> Carter did not initial either the "Approve" or "Disapprove" option.

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**425. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>**

Washington, November 17, 1977

SUBJECT

Nuclear Discussion with Argentina and Brazil

During my visit to Latin America on November 21–23, I expect to discuss nuclear and non-proliferation matters with President Videla of Argentina and President Geisel of Brazil. I have asked Gerry Smith to accompany me on the trip to participate in the nuclear talks.

In Argentina, we will seek a public Argentine declaration of its decision to ratify the Treaty of Tlatelolco. Argentina may not be prepared to go that far, and we may have to settle for a declaration of Argentine intent to ratify, rather than a firm decision. We will emphasize to Argentine officials the need to apply full safeguards to its nuclear pro-

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<sup>1</sup> Source: National Archives, RG 59, Records of the Secretary of State, Cyrus Vance, 1977–1980, Lot 80D135, Box 1, Latin America, November 1977. Secret. Copies were sent to the Office of the Deputy Secretary, the Bureau of Political Affairs, the Bureau of Economic, Business, and Agricultural Affairs, the Bureau of Security Assistance, Science, and Technology, the Bureau of Inter-American Affairs, the Bureau of Politico-Military Affairs, the Bureau of Oceans and Scientific and Environmental Affairs, the Arms Control and Disarmament Agency, and the Executive Secretariat.

gram as a requirement for continued nuclear cooperation with the US.<sup>2</sup> It became clear during recent talks with Argentine nuclear officials in Washington<sup>3</sup> that any success in achieving deferral of Argentina's reprocessing program will depend heavily on what we can accomplish with the Brazilians.

Nonetheless, the postponement of your visit to Brasilia, and a number of other recent developments, lead me to believe that we should take a somewhat more attenuated and indirect approach in pursuing our non-proliferation strategy with Brazil than originally planned.

Schmidt's unwillingness to support our ideas for resolving the Argentine/Brazil problem will stiffen Brazilian resistance, and Geisel is likely to reject out of hand any package of proposals we present at this time. France's recent decision not to complete the Pakistani reprocessing plant and to press the FRG for a similar policy in Brazil, coupled with increasing disenchantment within the Brazilian scientific community with the FRG/Brazil agreement, suggest that the climate for a satisfactory solution may improve if these factors are given more time to work.

I believe that the best approach at this time is to avoid specific discussion of the FRG/Brazil agreement, to set out our ideas in the context of seeking Brazil's views on how to deal with a hemispheric security problem, and to leave specific solutions for a later stage.<sup>4</sup> The main elements of our thinking could thus be presented and left for Geisel to consider, without being prematurely offered as an American solution.

I attach a more detailed outline of this approach<sup>5</sup> which I would propose to use as the basis for the Brazil talks if you approve.

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<sup>2</sup> An unknown hand underlined this sentence.

<sup>3</sup> Not found.

<sup>4</sup> An unknown hand underlined the sentence "set out our ideas in the context of seeking Brazil's views on how to deal with a hemispheric security problem, and to leave specific solutions for a later stage" in this paragraph.

<sup>5</sup> Attached but not printed.

## 426. Memorandum From Secretary of State Vance to President Carter<sup>1</sup>

Washington, November 28, 1977

### SUBJECT

Latin American Nuclear Strategy: Post-Visit Assessment

The nuclear discussions during my November 21–23 trip produced mixed results. The Argentine talks produced more progress than we had anticipated;<sup>2</sup> Brazil continues unyielding, as we expected.<sup>3</sup> But the Argentine results should tend to isolate Brazil in Latin America at the same time that France's decision not to complete its reprocessing sale to Pakistan increases the isolation of the FRG in Europe. In sum, I believe that we made some progress in our strategy, but it is clear that it will take a sustained effort, as well as some luck, to move Brazil.

### *Argentina*

We achieved three things:

—a public commitment to ratify the Treaty of Tlatelolco, (albeit without a waiver of the entry into force requirements), balanced by public affirmation of US willingness to expand nuclear cooperation in a manner consistent with our non-proliferation policy and to recognize Argentina's potential as a nuclear exporter. But Argentina is not willing to bring the Treaty into force by waiving the requirement that other states (the USSR, France, and Cuba) ratify.

—a private understanding that Argentina will move to full-scope safeguards as a condition for additional US assistance (that would not include at this stage the transfer of heavy water technology). If such an exchange is made, we will have achieved the main substantive effect of the Treaty in Argentina.

—a private expression of Argentine willingness to consider deferring reprocessing *if* Brazil also defers (a concept of regional equilibrium) and *if* it receives heavy water technology from the US and

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 6, Brazil, 1–12/77. Secret; Nodis. Carter initialed the upper right-hand corner of the memorandum. Vance also discussed the nuclear issue with Venezuelan President Carlos Andres Pérez on November 23. (Telegram 11456 from Caracas, November 25; Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, NODIS Memcons, 1977)

<sup>2</sup> A record of Vance's discussions with Argentine President Jorge Rafael Videla is in telegram Secto 11012 from the Secretary's Delegation in Buenos Aires, November 22. (National Archives, RG 59, Central Foreign Policy File, P840076–0545)

<sup>3</sup> A memorandum of Vance's November 22 conversation with Brazilian President Geisel is in the National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Lot 81D155, Box 10, Brazil Bilaterals, November 22, 1977.

Canada. This is the basic exchange foreseen in the strategy you approved last July,<sup>4</sup> and the Argentines have signalled its acceptability.

### *Brazil*

The Brazilians were aware of our October approach to Schmidt and the FRG's rebuff.<sup>5</sup> They expected a renewed attack on the FRG agreement and were prepared to reject it. They were not aware of the results of our Argentine visit, and there was too little time for them to absorb its implications. In these circumstances I felt it best to make the Argentine idea of "regional equilibrium" the centerpiece of a brief presentation, and to bring in the remaining elements of our package only indirectly. Their response in the formal sessions was to quietly reaffirm their standard position, but they listened carefully and the factors we presented may have greater impact as internal Brazilian criticism of the FRG deal develops. We were careful to avoid any implication of pressure that would stimulate nationalistic rejection or stop internal fermentation.

### *Next Steps*

I think it is important that we avoid explicit pressure on Brazil that would tend to close their minds while we are trying to get them to consider the implications of a shifting situation which may in time require them to adjust. By the time of your visit in the Spring, you may wish us to resume a more direct approach. We will pursue technical talks on thorium and the problems of reprocessing in the context of INFCE, and bilaterally if they show interest. We will also work closely with France in the effort to soften the FRG position, and consider ways to further isolate the FRG and Brazil through Latin American support for the "regional equilibrium" reprocessing moratorium concept. In Caracas we touched lightly on this concept. President Perez may prove a strong supporter, and could help us with the Argentines and perhaps the Brazilians. We will also want to protect our present position by moving ahead with the US/Argentine cooperation mapped out in Buenos Aires while at the same time assuring that they take no irreversible steps to develop a reprocessing capability.

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<sup>4</sup> Not found.

<sup>5</sup> On October 25, Smith gave a "presentation, copy of which was an informal talking point paper, was left with the Chancellor," which notified Schmidt that "the US has been concerned that sensitive nuclear projects being carried out in Brazil might cause other countries," in particular Argentina, "to move ahead with similar projects in order to preserve their competitive position at both the technological and military levels." Carter, he said, wanted to press Brazil, the Federal Republic of Germany, and Argentina for "a deferral for a period to be agreed upon of reprocessing" which "would permit the US to drop objections to the enrichment program." (Telegram 257624 to Brasilia, October 27; National Archives, RG 59, Central Foreign Policy File, D770395–0555)

**427. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, December 3, 1977

**SUBJECT**

Secretary Vance's Trip: Nuclear Results and Follow-up

Cy has prepared a short report (Tab A)<sup>2</sup> analyzing the results of his discussions on nuclear matters on his trip to Latin America. It is a short and good report so I will not summarize it here. Let me just add a couple of points.

In Brazil, Cy and several members of his party had good discussions with the Minister of Commerce and Industry Calmon de Sa and the Minister of Mines Ueki on cooperative approaches to develop non-nuclear sources of energy, including alcohol (from sugar), bioconversion, hydrogen, coal mining technology, and solar energy. The Brazilians seemed quite enthusiastic about the idea, but they have a problem which has been holding them back, which is quite similar to our own: different Ministers have responsibilities for different subjects, and there is no overall way to coordinate such a cooperative effort.

An attempt at developing a cooperative approach to energy research and development might be the best way to demonstrate to the Brazilians our genuine interest in their energy problem, our interest in cooperating in scientific endeavors with them, and the sincerity of our position on nuclear energy. If you approve, I will ask Cy—who had conversations on this subject in Brazil—to designate a person in State to work with DOE in negotiating an overall agreement on cooperation between the US and Brazil in researching and developing non-nuclear energy sources.<sup>3</sup>

A second point I wanted to bring to your attention is that our proposal on the German-Brazilian deal, which Gerry Smith conveyed to the Germans,<sup>4</sup> was not conveyed to the Brazilians in its entirety. Gerry felt that they would reject it immediately if he put it on the table and so he described the proposal only in very general terms. Since the Brazilians have left the door open for other discussions, we will have the

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 6, Brazil, 1–12/77. Secret. Carter initialed the upper right-hand corner of the memorandum.

<sup>2</sup> See Document 426.

<sup>3</sup> Carter checked the "Approve" option.

<sup>4</sup> Not found.



opportunity to put the entire proposal forward at a more propitious time.

I am also attaching a brief summary of Cy's conversation with Geisel<sup>5</sup> and Gerry Smith's remarks at the Brazilian Foreign Ministry (Tab B).<sup>6</sup>

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<sup>5</sup> See footnote 3, Document 426.

<sup>6</sup> See Ambassador Smith's "Remarks on Nuclear Matters at Working Session at Foreign Ministry in Brasilia," November 22, 1977. (National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Lot 81D155, Box 10, Brazil Bilaterals, November 22, 1977)

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#### **428. Telegram From the Mission in Geneva to the Department of State<sup>1</sup>**

Geneva, December 17, 1977, 1110Z

12348. Subject: Approach to Soviets on Protocol II of Treaty of Tlatelolco.

1. Since Soviet CTB negotiator Morokhov also has major responsibility in Soviet Government for non-proliferation matters, Ambassador Warnke took opportunity of Morokhov's presence in Geneva for trilateral CTB negotiations to convey information to Soviets regarding Argentine intention to ratify Treaty of Tlatelolco and to encourage Soviet adherence to Protocol II. Warnke's presentation, made at bilateral meeting on December 15, drew on points set forth in para 2 below. After listening attentively to Warnke's presentation, Morokhov expressed gratitude for report on Argentine developments. He said that he was not now in a position to provide Soviet reactions because issue of Protocol II adherence was currently being reviewed in Moscow. His government was also presently in process of carrying out consultations with other countries on this issue. He nonetheless regarded Warnke's presentation as "useful and important."

2. Warnke's presentation follows:

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770471–0113. Confidential. Sent for information to Buenos Aires, Brasilia, Mexico City, Moscow, and the Interests Section in Havana.

(A) During Secretary Vance's recent trip to Argentina,<sup>2</sup> the Argentine government announced its intention to ratify the treaty of Tlatelolco.

(B) We understand that Argentine ratification, unlike its signature of the treaty several years ago, will not be accompanied by an interpretative statement that the treaty permits its parties to develop nuclear explosive devices for peaceful purposes. We also understand that Argentina would negotiate a full-scope safeguards agreement with the IAEA providing for safeguards against any military or nuclear explosive use.

(C) However, Argentina is not prepared, at this time, to waive the preconditions specified in the treaty for entry into force. Thus, Argentina will put itself in the same legal position as Brazil and Chile, which have both ratified but not waived the entry into force conditions. Twenty-two Latin American states have ratified, waived the conditions, and are therefore already bound by the treaty.

(D) When the remaining conditions are met, Argentina, Brazil, and Chile would automatically be bound by the treaty, and would be obligated to conclude a full-scope safeguards agreement with the IAEA.

(E) At present, the only remaining conditions are U.S. ratification of Protocol I (we signed in May 1977),<sup>3</sup> French signature and ratification of Protocol I, Cuban signature and ratification of the treaty, and Soviet signature and ratification of Protocol II.

(F) Therefore, our two governments are both in a position—through our own actions and through encouragement of steps by others—to help bring the Treaty of Tlatelolco fully into force.

(G) Let me underscore the great significance of what could lie ahead. Argentine and Brazilian adherence to the treaty would be one of the greatest boosts for non-proliferation in a long time. Those two countries clearly pose a serious threat in the non-proliferation area. Given their unyielding attitude toward the NPT, the Treaty of Tlatelolco is our best, and perhaps our only, opportunity to get them to accept formal restraints against the development of nuclear explosives.

(H) For our part, now that the president has signed Protocol I, we hope to have it ratified within the coming year. We have also urged the French to reconsider their position toward Protocol I, and we have indications that they are doing so.

(I) In addition, through our newly opened Interests Section in Havana, we have directly raised the issue of the treaty of Tlatelolco with the Cubans at various government levels. We have received inquiries

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<sup>2</sup> See Documents 426 and 427.

<sup>3</sup> See footnote 2, Document 414.

from the Cubans about various aspects of the treaty and its zone of application.

(J) We hope that the Soviet government will seriously consider adhering to Protocol II in the near future and will join us in encouraging other states (Cuba, France) to take corresponding steps.

(K) We recognize that you have had certain reservations about the Treaty of Tlatelolco on legal grounds, especially regarding the questions of PNES and freedom of the high seas. We shared those concerns, but have studied those issues intensively and have concluded that they are not a problem. When we ratify Protocol I, we will make an interpretative statement regarding these issues, and would be happy to discuss them with you further.

**Warnke**

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#### **429. Telegram From the Department of State to the Embassy in Argentina<sup>1</sup>**

Washington, February 10, 1978, 0103Z

35248. Subject: U.S.-Argentine Nuclear Relations.

1. Summary. On February 6, Argentine Ambassador Aja Espil met with Ambassador Gerard Smith and Dr. Joseph Nye to review U.S.-Argentine nuclear issues. Aja Espil expressed his confidence that Argentina will ratify the Treaty of Tlatelolco, as promised in the November 21 communiqué issued after the Secretary's visit to Buenos Aires.<sup>2</sup> End summary.

2. Ambassador Smith asked Argentine Ambassador Aja Espil to call on him in order to clarify Argentina's stance on ratification of the Treaty of Tlatelolco in light of confusing reports emanating from officials of the Argentine Atomic Energy Commission (CNEA). Dr. Joseph Nye was also present.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780062–0871. Secret. Drafted by Fernando Rondon (ARA/ECA); cleared by Nye and Smith in draft; and by Oplinger, Louis Nosenzo (OES), Ronald Bettauer (L), Jeffrey Siegel (INR), Charles Van Doren (ACDA), Phyllis Oakley (ARA)/RPP, and Malcolm Barneby (ARA/AND) for information; and approved by Robert Zimmermann (ARA/ECA).

<sup>2</sup> The communiqué is printed in telegram 8813 from Buenos Aires, November 22, 1977. (National Archives, RG 59, Central Foreign Policy File, D770432–0403)

3. Ambassador Smith noted that both Argentine President Videla and Foreign Minister Montes had informed the President and the Secretary of Argentina's intention to ratify the Treaty of Tlatelolco.<sup>3</sup> The November 21 bilateral communiqué noted this intention as well as the United States intention to ratify Protocol I of the treaty. During the Secretary's visit,<sup>4</sup> the U.S. had also agreed to assist Argentina in its research reactor exports to Peru by facilitating fuel transfers, and we had agreed to supply heavy water. Argentina was to move concurrently on full-scope safeguards. The U.S. had also explained the difficulties involved in the transfer of heavy water technology, which would entail a deferral of reprocessing. Argentina too had explained the difficulties it would face in deferring reprocessing, noting that it would be possible only in the context of regional equilibrium.

4. Ambassador Smith continued that we were surprised when the Argentine Atomic Energy Commission's (CNEA) legal adviser, Martinez, told Congressman Moorehead, in the presence of Foreign Ministry Official Matas, that Argentina will not ratify Tlatelolco until the U.S. commits itself to the transfer of heavy water technology. Martinez' statements were contrary to what Argentine officials told our President, the Secretary and Deputy Secretary, and contrary to the heart of the November 21 communiqué.

5. Ambassador Aja Espil explained that there are different opinions within the Argentine Government and that the Nationalists oppose all compromise, including Tlatelolco. Aja Espil reiterated the intention of both President Videla and the other members of the Junta to ratify the treaty. As of December, the Ambassador indicated, the Foreign Ministry was preparing a document on the steps required for Argentina to complete ratification. Aja Espil again played down Martinez' views, and said that he (Aja Espil) knew Videla's views. The Ambassador suggested that we discuss this subject again with Admiral Castro Madero, who should be visiting Washington on February 17, on his way back from Canada and enroute to the IAEA Board of Governor's meeting in Vienna. Dr. Nye expressed the hope to see Castro here while Ambassador Smith looked forward to a meeting in Vienna.

6. Dr. Nye again outlined the three stages of our nuclear cooperation. In stage one, both the U.S. and Argentina will work to ratify Protocol I and the treaty, respectively. Stage two involves the supply of heavy water and fuel for a second research reactor to be sold to Peru. The latter will require an amendment of our bilateral agreement for cooperation. Full-scope safeguards will be necessary. Under stage 3, the transfer of heavy water production technology might be envisioned

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<sup>3</sup> See Document 420.

<sup>4</sup> See Documents 426 and 427.

under a major change in U.S. policy, and Argentina also would have to change its policy and defer reprocessing. “Regional equilibrium” would be necessary for any reprocessing deferral, the Argentine representatives had said. Nye stated that at no time did we link stage 3 to stage 1, as Martinez had.

7. Aja Espil stated that Martinez does not make policy.

8. Ambassador Smith raised the Argentine/Peruvian agreement and our earlier understanding that the second research reactor to be provided to Peru (10 megawatts) would use low enriched uranium (LEU). Smith observed that in December, CNEA officials had stated that highly enriched uranium was required. The Peruvians, on the other hand, informed us that the 10 mw reactor would be fueled with LEU.

9. Aja Espil was not briefed on the question of the 10 mw reactor for Peru. He promised to investigate. He inquired about the progress of the quadrilateral agreement (U.S., Argentina, Peru and IAEA) required for the transfer of the zero power reactor fuel to Argentina. Aja Espil was assured that we were close to an accord on the quadrilateral agreement.

Vance

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**430. Telegram From the Department of State to the Embassy in Venezuela<sup>1</sup>**

Washington, February 12, 1978, 2024Z

26891. Subject: Venezuelan Concern Over IAEA Nuclear Material.  
Ref: Caracas 209.<sup>2</sup>

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780048–0877. Confidential; Priority. Drafted by Lorna Watson (ACDA/NP/NX) and McFadden (DOE); cleared by Anne Jillson (IO/SCT), Robert Kelley (S/AS), Louis Cecchini (OES), Robert Sloane (L/OES), and William Sergeant (ARA); and approved by Charles Van Doren (ACDA).

<sup>2</sup> Telegram 209 from Caracas, January 10, reported that the United States, per a December request by the Venezuelan government for special nuclear materials, was “prepared to provide a gift of uranium” to Venezuela. Still, Ambassador Vaky relayed “US concern that Venezuela has not yet fulfilled its obligations under the NPT to conclude a safeguards agreement” to Venezuelan Foreign Minister Simon Alberto Consalvi. The United States, Vaky stressed, “urged early completion of these negotiations, and noted that the status of the agreement would be taken into account when the Nuclear Regulatory Commission reviews the required export license” for the gift of uranium. (National Archives, RG 59, Central Foreign Policy File, D780015–0479)

1. In response to Reftel, Embassy is requested to raise the following points with Taborda<sup>3</sup> and appropriate members of the government to clarify US position.

A. The president is very appreciative of President Perez' personal support on non-proliferation.

B. The US does not repeat not want to indicate any falling off of our support for the gift of uranium to Venezuela.

C. It is especially because Venezuela is seen as a leading nation on non-proliferation issues that its failure to conclude safeguards agreement pursuant to the NPT and the Treaty of Tlatelolco can be perceived as a problem. In particular, other countries within the region may be less inclined to take the final steps necessary to bring Tlatelolco into effect.

D. While we understand that safeguards are applied under the existing trilateral (US/IAEA/Venezuela) agreement concrete movement on the safeguards agreement pursuant to the NPT and Tlatelolco would further enhance Venezuela's traditional non-proliferation stand.

2. The US reminder about need for NRC approval, was in no way intended as threat to withhold material but seemed a necessary caution to prevent assumption by gov that US executive branch decision to allocate gift to Venezuela would per se assure export. Should more specific questions be raised again by Taborda or any other gov official, or if Embassy feels response is necessary on Taborda remarks reported Reftel, Embassy should draw on following information. Draft agreement on transfer of fuel will be cabled in near future.

3. NRC is an independent regulatory agency, not repeat not part of executive branch. In reviewing export license applications, NRC obtains executive branch recommendations, but is not obliged to follow them (although normally has done so). Several factors are taken into account by executive branch agencies in developing executive branch recommendations and by NRC independently in reaching its decisions on license issuance. Among these factors is recipient nation's position on nuclear non-proliferation; in this connection, Venezuela's support of US non-proliferation policies would naturally be a strong positive influence. Other factors considered include, inter alia, whether an NPT party has fulfilled its NPT commitment to conclude NPT safeguards agreement; the fact that Venezuela has not yet done so would inevitably be a negative factor. We cannot predict what weight the NRC would give various factors in any particular case, but gov conclusion of NPT safeguards agreement by time export license application is submitted is certainly highly desirable. However, if this proves impossible,

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<sup>3</sup> Admiral Jesus Taborda of the Venezuelan National Nuclear Council.

we believe that likelihood of favorable NRC action will be strengthened if gov meanwhile makes significant progress in negotiating the required agreement. We have no reason to believe that NRC would give factors different relative weights depending on whether or not any proposed export was material to be provided as gift through IAEA.

4. With respect to executive branch recommendation to NRC to license another shipment of slightly enriched uranium (under 3 percent U-235) for India's Tarapur nuclear power plant, as Embassy recognized this is not a gift. Furthermore, it is worth noting that the 1963 agreement for cooperation under which the Tarapur reactors were supplied is unique in that it provides for use of only US-supplied fuel for the life of the reactors, and India contracted in 1966 with the US atomic energy commission for long-term supply of enrichment services. India has provided US with written assurance that all nuclear material supplied for or produced in Tarapur will be used only to meet the needs of the Tarapur plant (thus precluding any use of such material for any nuclear explosive device). In view of this, plus various controls contained in agreement for cooperation on Tarapur, India currently meets immediate export criteria contained in pending non-proliferation legislation. President Carter has strongly urged India to accept full-scope IAEA safeguards on all its nuclear activities especially in light of pending legislation. France, of course, is a nuclear-weapon-state, thus not all non-proliferation controls applicable to US exports to non-nuclear-weapon-states are relevant to exports to France. However, exports to France are subject to US–EURATOM agreement which contains guarantee of use for peaceful purposes only and requirement for multinational EURATOM safeguards; and France is currently negotiating safeguards agreement with IAEA which would provide for IAEA safeguards with respect to certain French civil nuclear activities.

**Vance**

**431. Intelligence Report Prepared in the Central Intelligence Agency<sup>1</sup>**

Washington, March 10, 1978

**SIGNIFICANCE OF RECENT DEVELOPMENTS  
IN ARGENTINE NUCLEAR POLICY***Summary*

1. The ultimate intentions of the Argentine leadership in the nuclear field are not yet clear. Recent events have reconfirmed Argentine leaders' determination to develop an independent plutonium and heavy water production capability. There is no evidence of a decision by the government to carry the nuclear program through to a weapons capability, but such an option is clearly left open.

2. While there are no indicators that Argentina has engaged in or planned for any research dedicated to designing the implosion mechanism for a nuclear explosive device, the management of its reprocessing program has been led since 1976 by military officers who seem strongly motivated to acquire sufficient fissile material for a nuclear weapons capability. Brazil's nuclear potential probably has become a factor in Argentine deliberations over their future nuclear development programs. (Argentina's nuclear policymakers have begun to allude confidentially to Brazil's reprocessing plans as a justification for their own reprocessing programs.)

3. The managers of Argentina's reprocessing program have not regarded the presence or prospect of international safeguards as serious obstacles to the acquisition of plutonium for experimental or military purposes; moreover, most influential Argentines have regarded international safeguards as an infringement on their national sovereignty and encumbrances imposed by great powers. Yet we have no evidence that Argentina's nuclear activities have ever been conducted in violation of international safeguards.

4. Argentina's top leadership seems to have been preparing to sign the Treaty of Tlatelolco only on the condition that it not impede the further development of its independent nuclear capabilities and does not

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 4, Argentina, 1/77-12/78. Secret; [*handling restriction not declassified*]. According to a March 10 note from CIA Executive Secretary B.C. Evans to Dodson, the report "was prepared under the auspices of the National Intelligence Officer for Nuclear Proliferation and the Acting Intelligence Officer for Latin America." (Ibid.)



restrict future Argentine options to develop the ingredients for nuclear weapons.

[Omitted here is the body of the report.]

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#### 432. Memorandum of Conversation<sup>1</sup>

Caracas, March 28, 1978, 3:30–4:40 p.m.

##### SUBJECT

International Political Issues: Panama Canal Treaties, Non-Proliferation, Middle East, Africa, Belize, Nicaragua, and Conventional Arms Restraint

##### PARTICIPANTS

President Jimmy Carter  
Secretary of State Cyrus R. Vance  
Dr. Zbigniew Brzezinski, Assistant to the President for National Security Affairs  
Terence A. Todman, Assistant Secretary of State for Inter-American Affairs  
W. Anthony Lake, Director, Policy Planning Staff  
Robert A. Pastor, NSC Staff Member  
Ambassador Viron P. Vaky  
Guy F. Erb, NSC Staff Member

##### *Venezuela*

Carlos Andres Perez, President  
Simon Bottaro Consalvi, Minister of Foreign Affairs  
Manuel Perez Guerrero, Minister of State for International Economic Affairs  
Valentin Acosta Hernandez, Minister of Energy and Mines  
Carmelo Lesseur Lauria, Minister, Secretariat of the Presidency  
Hector Hurtado, Minister of State, President of the Investment Fund  
Ambassador Ignacio Iribarren  
Dr. Reinaldo Figuerido, Director of Foreign Trade Institute

After exchanging cordialities, President Perez asked about President Carter's preference with regard to an agenda. President Carter said that he would like to discuss international political issues today and economic issues tomorrow.<sup>2</sup>

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Office, Outside the System File, Box 56, Country Chron, Venezuela: 1–4/78. Confidential. The meeting took place at Miraflores Palace.

<sup>2</sup> On March 29, Carter and Perez discussed North-South Issues, Energy, the Caribbean, and the Law of the Sea. (Memorandum of Conversation, March 29, 1978; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Subject File, Box 63, President's Trip to Brazil and Venezuela (3/78))

President Carter said that Argentina had promised to ratify the Tlatelolco Treaty soon. Although they have said this before, they had sent a message this month indicating they are getting ready to do so.<sup>3</sup>

The U.S. Congress had passed a law on nuclear energy, which clearly spells out the U.S. position in providing nuclear fuel with certain safeguards.<sup>4</sup> President Carter said his visit to Brazil would be used to explain our position fully; he was afraid that Brazil may not have completely understood it. We believed it was relatively easy to cooperate in ways which will provide nuclear power and at the same time eliminate the danger of weapon production.

Perez said that during his conversations with Geisel (November 1977) he expressed solidarity with U.S. policy. Geisel was upset, and took the position that one could not keep Brazil from doing the things that the U.S. has already done. Perez told him that whatever the U.S. has already done, the world cannot afford unrestrained proliferation. It was because of aspirations in this area, Perez said, that he had proposed a multinational Latin American reprocessing center, under the auspices of OLADE or SELA, as a way of overcoming jealousies and satisfying needs. Brazil, of course, was also worried about Argentina. Geisel said that first he wanted to talk to President Carter, then he would talk to the GOV about the multinational center proposal.

President Carter said that we have tried the reprocessing route and have found it unsatisfactory. The International Nuclear Fuel Cycle Study which will be completed soon will probably recommend regional centers under international safeguards, precisely to overcome national sensitivities. He said he expected that the study would find that reprocessing is simply not a necessary part of a nuclear energy system. He expressed the view that both Germany and France realize the problems and would probably not offer the same kind of arrangements now that they did then.

President Carter said that common expressions of concern would be useful in drawing the distinction between legitimate desires for peaceful use of nuclear energy and arms production. He also noted that Brazil has thorium, and this is a promising source of fuel which would avoid the plutonium problem. Geisel is discussing the use of thorium, and this may be an avenue out of the present problem. Perhaps, the

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<sup>3</sup> Ambassador Aja Espil informed Nye on March 22 that Argentina "has every intention of ratifying the Treaty of Tlatelolco, as President Videla committed his country to do in conversations with President Carter and Secretary Vance. The Ambassador said this welcome development would take place soon, noting that the United States should have no doubt about Argentina's intentions." (Telegram 76482 to Buenos Aires, March 24; National Archives, RG 59, Central Foreign Policy File, D780130-0734)

<sup>4</sup> Carter signed the Nuclear Non-Proliferation Act on March 10. See Document 366.

President said, the U.S. pushed too far too fast with Brazil, but we will discuss these matters.

Perez asked whether the U.S. would be helpful to Argentina in the area of thorium technology if they expressed interest, and the President answered affirmatively.

[Omitted here is discussion unrelated to non-proliferation.]

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#### **433. Telegram From the Embassy in Brazil to the Department of State<sup>1</sup>**

Brasilia, April 4, 1978, 2020Z

2704. Subject: Draft Memorandum of Conversation of Second Bilateral Meeting Between Presidents Carter and Geisel, March 30, 1978, 11:15 a.m.<sup>2</sup>

1. The following is a draft Memorandum of Conversation for the second bilateral meeting between Presidents Carter and Geisel on March 30 at 11:15 a.m. For most of the meeting, participants on the US side in addition to President Carter were: Secretary Vance, Dr. Brzezinski and Chargé Richard E. Johnson; the Brazilian side was represented by President Geisel, Foreign Minister Silveira and Counselor Ronaldo Mota Sardenberg, the Minister's Special Adviser for Bilateral Political and Economic Affairs. After a discussion of approximately forty-five minutes, the group was expanded with the addition of Assistant Secretary Todman, Director Lake, Mr. Pastor and Embassy Economic Counselor Ruser on the US side and Finance Minister Simonsen, Planning Minister Velloso, Industry and Commerce Minister Calmon De Sa and Counsel Nogueira, a Foreign Ministry Advisor for Political Affairs, on the Brazilian side.

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P850104–2220. Secret; Immediate; Cherokee; Nodis.

<sup>2</sup> No final version of this conversation was found. Carter and Geisel discussed Africa, the Middle East, and the overall U.S.-Brazilian relationship in their first meeting on March 29. (Telegram 6924 from Brasilia, April 4; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Subject File, Box 63, President's Trip to Brazil and Venezuela (3/78): 1–5/78)

17. Changing the subject, President Carter stated that he had enjoyed his press conference earlier that morning.<sup>3</sup> Questions arose on both nuclear matters and human rights. These were answered truthfully and honestly with an acknowledgement that there were certain difficulties in these areas and that they had been discussed with the Brazilian government. He pointed out to the press that we are interested in discussing these matters with the Brazilian government, adding that the differences are minor in comparison with areas of bilateral agreement.

18. President Geisel said that these two subjects could not have been avoided. Had he been a journalist, they would have figured in his line of attack as well. Obviously President Carter has an obligation to reply truthfully with an explanation of his views. It would be absurd were he to feel embarrassed in responding. Our differences are natural and are not as great as is often stated.

19. President Carter said he had two questions to raise concerning the nuclear question. Brazil, he said, has signed and ratified the Treaty of Tlatelolco but will not recognize its applicability until all nations sign the Treaty. This would include nations which will never sign, like France and the Soviet Union, perhaps also Cuba (under Soviet pressure). Giscard D'Estaing has said he has no particular objections to Tlatelolco, but he has doubts as to the desirability of France taking part in these Western Hemisphere arrangements. President Carter asked whether, if Argentina signs and the list of Central and South American signatories is thereby completed, Brazil would agree to implement the accord?

20. President Geisel replied that this question would require further study. Argentina does not cause major concern for Brazil, he said. However, Brazil feels that countries like France and the USSR, which have nuclear weapons, should make a commitment pertaining to the non-use of these weapons in the Western Hemisphere. They should undertake to fight their wars elsewhere, not in South America, and to refrain from stockpiling their nuclear weapons here. Brazil wishes that the Russians, French and Chinese would also sign Tlatelolco. President Geisel said that the Ambassador of the Soviet Union, a country with which Brazil has fair relations, especially in the trade sphere, came to him with a note critical of Brazil's accord with the Federal Republic of Germany. President Geisel said that he had to be a bit rude in his reply. He told the Soviet Ambassador that he had no right to bring this matter up in his dealings with Brazil, in the absence of Soviet acceptance of Tlatelolco obligations.

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<sup>3</sup> The text of Carter's March 30 press conference is printed in *Public Papers: Carter, 1978*, pp. 627-634.

21. Foreign Minister Silveira said there were three phases in the implementation of the Treaty of Tlatelolco—the signing, the ratification and finally the acceptance of the treaty by the nuclear powers. Brazil believes that with the signing of Tlatelolco it has committed itself not to manufacture nuclear weapons. Under the Geneva Convention on Treaties, if a country has signed an agreement, it is binding even though it may not have been fully ratified, and that country must comply with the agreement's terms pending ratification. Brazil feels that it must continue to work for a ban on nuclear attacks on this continent and on the storage of nuclear weapons here; Brazil does not wish to abandon the pressure on this point. This firm Brazilian policy of seeking guarantees from the Soviet Union and other countries was adopted after the Cuban missile crisis, when President Kennedy successfully pushed for the evacuation of missiles from Cuba. Brazil came out firmly in favor of assurances against the establishment in the Western Hemisphere of bases for the storage of arms. President Kennedy's successful handling of the Cuban missile crisis marked the beginning of a decrease in the pressure which Cuba exerted over Latin American nations. Brazil is totally committed at present not to manufacture nuclear weapons. The agreement with the Federal Republic of Germany provides that no nuclear devices will be manufactured even for peaceful uses. The manufacture of nuclear explosives even for peaceful uses is for Brazil in the realm of fantasy, and Brazil is not interested in fantasy.

22. President Carter noted that Brazil has accepted IAEA safeguards on installations purchased from the Federal Republic of Germany. He asked whether this applies to other installations.

23. President Geisel said that there are no unsafeguarded facilities in Brazil. This includes the facilities at universities where research is underway. Such facilities are under international controls. The scientific community in Brazil had hoped that Brazil's failure to ratify might mean that their research would not be under international control, but was disappointed to learn that this was not to be the case. President Geisel reiterated that Brazil's research centers are under Vienna safeguards, as well as anything constructed under the agreement with the FRG. Brazil feels that the IAEA should be strengthened and possibly reorganized to permit it to conduct its activities in Brazil and throughout the world. As a UN agency, it should be in a position to use any necessary resources to fulfill its purposes.

24. President Carter said that when his administration began there was no systematic formulation for considering requests for the supply of nuclear fuel abroad. US policy in this respect was variable. There is now in existence within the USG an entity responsible for such allocations. President Carter noted that he cannot control these allocations al-

though he can exercise a veto power. We have recently passed a law which clarifies the circumstances under which the US will ship nuclear fuel in the future. It is important that Ambassador Smith return to Brazil and meet with the Brazilian authorities in order that there can be a clear understanding by both sides of the terms of this legislation, and so that Brazil's future needs for nuclear fuel can be met, consistent with US law. This law makes US terms clearer and will help avoid future interruptions in supply.

25. President Geisel said that he had not as yet examined the complete text of the law, but had read about certain of its provisions. He is aware that it calls for the renegotiation of existing accords with regard to the supply of nuclear fuel. Brazil has a 1972 agreement with the United States in this sphere. The Angra I nuclear power facility is under construction, with Westinghouse contributing. The US has agreed to furnish enriched fuel for the startup as well as for re-loading for a thirty-year period. President Geisel said that he had heard that the US has recently reaffirmed its commitment to furnish the startup fuel; he had expected nothing less of US, but was nevertheless pleased with this reaffirmation. Brazil is, however, concerned about subsequent shipments for re-loading over the thirty-year period, and would be happy to receive Ambassador Smith to discuss this question and examine the implications of the new legislation. President Geisel expressed confidence that no problems would emerge.

26. Foreign Minister Silveira said that there were no activities in Brazil not subject to safeguards. This is a concrete fact; this situation will continue to prevail unless there is a change in the status quo.

27. President Carter noted that Brazil has recently signed an agreement with the FRG to exchange technical information concerning the thorium fuel cycle. The United States welcomes this action. Our offer also remains open. The US has thorium and has had extensive experience in this area. Our only breeder reactor is based on thorium. If the German agreement turns out to be inadequate or if Brazil feels the need for more consultations on the thorium fuel cycle, we will be glad to cooperate. The US believes that the INFCE studies represent a good means of learning from one another. There are certain unpredictabilities in the nuclear sphere which need to be resolved. The INFCE studies do not have as their objective persuading countries to take action which is against their own interests, but rather are designed to help interested nations work together.

28. President Geisel responded that Brazil is very active in INFCE and is pleased to be involved in this kind of cooperative effort. Thorium cooperation with the FRG is not a new development, but rather has been underway for some time (Foreign Minister Silveira interjected at

this point that it began in 1979).<sup>4</sup> President Geisel observed that the United States is working along the same lines and that Brazil wanted to cooperate in an endeavor in which all have an interest.

29. President Carter agreed, stating that this is one more approach to a solution of the energy problem, an excruciatingly difficult matter for all of us.

30. President Geisel said he is happy about the US initiative on the bilateral examination of problems in areas involving other kinds of fuel. Brazil is seeking to develop alcohol as a source of energy, a natural direction for Brazilian efforts since the country has large land reserves. Brazil has found new and higher grades of coal deposits in the south, and the US offer to cooperate in coal research and development is most welcome. President Geisel said he was extremely happy over the prospect of joint efforts to cooperate in resolving the energy problem and to improve the outlook, in the face of the inevitable eventual exhaustion of oil reserves.

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>4</sup> An error in transcription; Silveira meant 1978.

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#### **434. Telegram From the Embassy in Mexico to the Department of State<sup>1</sup>**

Mexico, April 22, 1978, 0016Z

6639. USIAEA. Subject: Treaty of Tlatelolco—Ratification Prospects.

1. OPANAL General Secretary Gros Espiel gave visitors from National Defense University and Emboffs a good rundown of present state of play on pending ratifications of Tlatelolco Treaty in meeting at OPANAL HQ on April 21.

2. Argentina. Gros indicated paramount importance of Argentine ratification inasmuch as it was most nuclearly advanced country in region, and he believed some of Argentine military wanted to retain right to make nuclear weapons. Gros cited Vance-Montes joint communiqué

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780180–0823. Limited Official Use; Priority. Sent for information to Brasilia, Buenos Aires, Caracas, the Mission in Geneva, Georgetown, the Interests Section in Havana, Moscow, USUN, Panama City, Paris, Santiago, and Vienna.

statement that Argentina would soon ratify, as U.S. would Protocol I. Gros thinks Argentina is waiting for U.S. Protocol I ratification, but would then ratify (without waiver) in next 2–3 months. He believes Argentine internal politics now such that it will wish to improve U.S. attitudes toward it and will want to uphold its commitment to Vance, once U.S. has done its part.

3. Brazil. Gros noted that he had tried in vain for several years to point out that Brazil, as signer and ratifier, must respect Treaty. In last year, Brazilians have stated three times that they would, under Vienna Convention,<sup>2</sup> not do anything contrary to Treaty. This was stated (1) in a letter from Silveira, (B) by a Brazilian Rep at the 1977 OPANAL meeting in Caracas, (C) in the Geisel-Lopez Portillo Joint Communiqué. Gros has “off the record” info that Brazil would become a full party if the USSR would sign and ratify Protocol II.

4. Chile. Gros says he has a recent telegram from the Chilean Foreign Minister that indicates that Chile would waive the entry into force requirements if the USSR would ratify Protocol II.

5. Cuba. Gros cited Guantanamo as the most fundamental problem preventing Cuba from signing and ratifying. He thinks that negotiations with Cuba will become much easier once the U.S. ratifies Protocol I, although this will not solve the problem completely. Cuban adherence, he says, is also connected with the USSR attitude toward Protocol II. Once this and U.S. Protocol I ratification are accomplished, he believes fruitful negotiations with Cuba can be accomplished.

6. Guyana. Gros says Guyana wants to sign, but has been prevented from doing so by Venezuelan opposition under Article 25.<sup>3</sup> He says intense negotiations have been underway with Venezuela, and he thinks a “formula” has been found which will be acceptable to both countries. He therefore expects Guyana to become a party “in the coming months.”

7. United States. Gros thinks that the wait in seeking Senate consent to Protocol I was justified as the ratification of the Panama Canal treaties paves the way for Protocol I.<sup>4</sup> He views the Canal zone as now

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<sup>2</sup> Reference to the 1969 Vienna Convention on the Law of Treaties.

<sup>3</sup> Article 25 of the Treaty of Tlatelolco states that “Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.” (<http://www.opanal.org/opanal/tlatelolco/tlatelolco-i.htm>)

<sup>4</sup> Reference to the fact that Article IV of the Panama Canal Treaty states that “since Panama is a signatory to the Treaty of Tlatelolco, the United States shall not install any type of nuclear armament on the territory of Panama.” The Carter administration therefore needed to gain Senate ratification of the Panama Canal treaties before submitting the Treaty of Tlatelolco to the Senate. The Senate ratified the first Panama Canal Treaty on March 16 and the second on April 18.



denuclearized by the new Canal Treaty (except for transit rights) and notes that, through this treaty, Panama has accepted transit rights.

8. France. Gros says he has “unofficial information” that the French may announce their intent to sign Protocol I during the SSOD.

9. USSR. Gros believes there are “indications” of a change of position on the part of the Soviets toward Protocol II. When Lopez Portillo visits Moscow in mid-May, he will raise the question with the USSR on behalf of all of Latin America. The timing will also nearly coincide with the SSOD in New York. Thus, while there is no assurance, Gros thinks a favorable Soviet announcement is “very possible.” He added that the Soviet Ambassador told him April 20 that there were “possible signs” of a change of Soviet attitude.

Thompson

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**435. Memorandum From Robert Pastor of the National Security Council Staff to the President’s Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, April 28, 1978

SUBJECT

Your Question About the Treaty of Tlatelolco

I have obtained the relevant portion of Brezhnev’s statement<sup>2</sup> on signing Tlatelolco, and it does not appear that he intends to sign it with any reservations—at least he did not refer to any reservations in that statement. The statement follows:

In accordance with its principled line of reducing the threat of nuclear war, the Soviet Union has also adopted a decision to become a party *in a relevant form* to the International Treaty on Banning Nuclear Weapons in Latin America. Thus we, like the other states possessing nuclear weapons, will take upon ourselves the obligation not to help in the acquisition of nuclear arms by Latin American states, and also not to use such weapons against the states that are parties to the treaty.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 45, Latin America, 12/77–7/78. No classification marking. Sent for information. Copies were sent to Hunter and Tuchman.

<sup>2</sup> See “Address by President Brezhnev [Extract],” April 25, 1978, in *Documents on Disarmament, 1978*, pp. 256–258.

Where Brezhnev says that the USSR will become a party “in a relevant form” ACDA and I interpret that as meaning he will be signing the Protocol II. With regard to the President’s note on Vance’s night reading on Tlatelolco,<sup>3</sup> I have spoken to Bob Hunter and to officials in ACDA to make sure that they touch base with the French before the SSOD to make clear our desire that the French adhere to Tlatelolco. Furthermore, I have been in touch with ARA requesting that they cable relevant posts about the Soviet announcement and ask those countries which have not yet signed, ratified, or permitted the Treaties to come into force, to do that. We have just received a cable from our Interests Section in Havana<sup>4</sup> which speculates on whether the Cubans will follow the Soviet example, and concludes that they may not.<sup>5</sup> The cable also makes the point that acceptance of Tlatelolco by the Soviets is a public confirmation of their private 1962 and 1970 assurance to US not to deploy nuclear weapons in Cuba.<sup>6</sup>

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<sup>3</sup> Not found.

<sup>4</sup> Telegram 1097 from Havana, April 27; National Archives, RG 59, Central Foreign Policy File, D780181–0611.

<sup>5</sup> On May 4, Vance told Mexican President José López Portillo that Mexico could be “very helpful” in persuading Cuba to sign the Treaty of Tlatelolco. If Cuba refused, however, he warned that the Treaty could not be implemented. (Memorandum of Conversation; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 28, Mexico, 3–7/78)

<sup>6</sup> On Soviet private assurance of 1962, see footnote 4, Document 404. On October 6, 1970, in response to accusations that the Soviets were constructing a nuclear naval port at Cienfuegos, Dobrynin informed National Security Advisor Henry Kissinger that the Soviet Government “would like to reaffirm once more that the Soviet side strictly adheres to its part of the [1962] understanding on the Cuban question and will continue to adhere to it in the future on the assumption that the American side as President Nixon has reaffirmed, will also strictly observe its part of the understanding.” (Memorandum of Conversation, October 6, 1970; Foreign Relations, 1969–1976, vol. XII, Soviet Union, January 1969–October 1970, Document 224).

**436. Telegram From the Embassy in Chile to the Department of State<sup>1</sup>**

Santiago, May 12, 1978, 2211Z

3612. For NRC. Subject: Chile Will Sign NPT and Accept Total Safeguards on All Nuclear Installations in Chile in Exchange for U.S. Assistance in Nuclear Field.

1. Summary: Reports reaching Embassy indicate Chile might be willing to sign the NPT, accept total safeguards on all Chilean nuclear facilities, and waive requirements for entry into force of Tlatelolco Treaty in exchange for an assured nuclear fuel supply and technical assistance from the USG. Ambassador will shortly be invited by CCEN for discussion on the subject. Chile's strategy will be to first attempt to obtain nuclear fuel and technical assistance from U.S. without making concessions; second, attempt to obtain nuclear fuel and technical assistance from U.S. by placing La Reina reactor and facilities under total safeguards but only the fuel supply at Lo Aguirre under safeguards; and finally, agree to sign NPT, accept total safeguards, and waive requirements for entry into force of Tlatelolco Treaty in exchange for an assured nuclear fuel supply and technical assistance from the U.S. in event previous alternatives fail. End summary.

2. Embassy Science Officer was told by a member (protect) of the Chilean Nuclear Energy Commission (CCEN) on 11 May that Chile would be willing to sign the Nuclear Non-Proliferation Treaty (NPT), accept total safeguards on all Chilean nuclear facilities, and waive requirements for entry into force of the Treaty of Tlatelolco in exchange for a agreement with the United States government to provide Chile with a dependable supply of nuclear fuel and other undefined nuclear technology assistance. This decision was reached, along with a preliminary negotiating strategy, during a 10 May meeting of the CCEN Advisory Board.

3. During the meeting on the CCEN Advisory Board, CCEN President General (R) Jaime Estrada L. told board members that he had received inquiries from both the Chilean Foreign Minister Hernan Cubillos Sallato and Defense Minister General Raul Benavides as to why Chile should not sign the NPT. Estrada stated that he had been opposed to Chile signing the NPT and accepting total safeguards over all CCEN installations. He was, however, beginning to realize that Chile would not be able to continue operating its two experimental nuclear

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780203–1070. Confidential; Priority. Sent for information to Buenos Aires.

reactors. Moreover, the GOC would be forced to cancel plans for building a 600 mw nuclear electric power plant slated to go on-line in 1987, all due to inability to obtain nuclear fuel to operate the facilities. Estrada said that CCEN had dispatched Dr. Max Von Brandt to France in February of this year to attempt to obtain 90 percent enriched uranium for CCEN's experimental reactors. However, the French informed Von Brandt that due to heavy pressure from the USG, they would no longer be able to supply Chile with highly enriched uranium. Chile was now without a nuclear fuel supply, said Estrada, and would have to find some means of changing this situation. After consideration of all available facts, the Advisory Board recommended that Estrada invite the U.S. Ambassador to CCEN headquarters for a discussion of the problem and offer to sign the NPT, accept total safeguards and waive requirements for entry into force of the Tlatelolco Treaty in exchange for nuclear assistance from the U.S. Estrada reluctantly agreed to the recommendation but insisted on the following graduated negotiating strategy:

A) CCEN would first attempt to arrange for a U.S. nuclear fuel supply and technical assistance without making concessions toward NPT.

B) CCEN would secondly attempt to arrange for a U.S. nuclear fuel supply and technical assistance in return for placing the La Reina reactor and facilities under total safeguards but limiting only the fuel supply to a safeguards agreement at the Lo Aguirre reactor; and

C) Failing the above alternatives, CCEN would finally agree to sign the NPT, accept total safeguards on all nuclear facilities, and waive requirements allowing the Treaty of Tlatelolco to enter into force in exchange for a firm U.S. commitment to provide CCEN with an assured supply of reactor fuel and other undefined nuclear technical assistance.

4. Comment: The above represents a possible breakthrough in our attempts to encourage Chile to sign the NPT. Department guidance on a proper response to CCEN, if and when Ambassador is summoned, would be helpful as well as an indication of U.S. willingness to negotiate a nuclear assistance pact with CCEN in exchange for Chile signing the NPT and accepting total safeguards.<sup>2</sup>

**Landau**

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<sup>2</sup> In telegram 141207 to Santiago, June 3, the Department of State called the news of Chile's impending decision "very positive events for overall US non-proliferation efforts if we can secure them." The Department remained concerned, however, that its hope for "a rapid restoration of democratic institutions in Chile" might conflict with the goal of non-proliferation. (National Archives, RG 59, Central Foreign Policy File, D780233-0061) The Embassy replied on June 9 that "the conflicts between USG human rights and nuclear objectives are more apparent than real." (Telegram 4371 from Santiago; National Archives, RG 59, Central Foreign Policy File, D780244-1349)

**437. Editorial Note**

On May 18, 1978, after numerous statements to U.S. officials over the previous months, (see, for example, telegram 9419 from Moscow, April 29; National Archives, RG 59, Central Foreign Policy File, D780184–1211) Soviet General Secretary Leonid Brezhnev signed Protocol II of the Treaty of Tlatelolco. For the text of the statement announcing the decision, see Telegram 11259 from Moscow, May 20, 1978. (National Archives, RG 59, Central Foreign Policy File, D780213–0008)

Four days later, Argentine President Jorge Rafael Videla wrote President Jimmy Carter that “following necessary studies and consideration, my Government has decided that the Argentine Republic will accede to the Treaty of Tlatelolco. The appropriate official announcement will be made during the United Nations Conference on Disarmament.” Videla also said that this “singularly important act merely serves to confirm our constant policy in matters of nuclear energy, the basic lines of which I explained to you during our meeting. (See Document 420) The same act now becomes all the more relevant in that it is linked to United States’ disarmament policy and affords, without any doubt, clear evidence of the common concern of our two countries in behalf of a more just and stable world order.” (Letter from Videla to Carter; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina, 1–8/78)

On May 24, President Carter submitted Protocol I of the Treaty to the U.S. Senate for ratification. Carter said that he was “convinced that it is in the best interest of the United States to ratify Protocol I. Such a step will strengthen our relations with our Latin American neighbors, further our global non-proliferation and arms control objectives and contribute to the full realization of Latin American Nuclear Free Zone.” He also hoped that his decision would influence other nations to adhere to the Treaty so it could “enter into full force and effect for the entire zone of application.” (*Public Papers: Carter, 1978*, pp. 961–962)

On June 12, Carter wrote Videla and said he “was very pleased to receive your letter informing me that Argentina would ratify the Treaty of Tlatelolco. The coming into force of the Treaty will represent a very significant step toward the establishment of a more secure world order. I very much hope that Argentina will be able to formally to ratify the Treaty and bring it into effect soon. This will give important impetus to our common efforts to reduce the dangers of further proliferation of nuclear weapons and to secure a nuclear free zone in Latin America.” (Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina, 1–8/78)

**438. Telegram From the Embassy in France to the Department of State<sup>1</sup>**

Paris, May 30, 1978, 2005Z

17098. Subject: French Action on the Treaty of Tlatelolco. Ref: State 133115<sup>2</sup> (Notal).

1. Summary: French will discuss with OPANAL possible conditions under which GOF might adhere to Protocol I of the Treaty of Tlatelolco. These discussions will probably be held after the June 28 conclusion of the SSOD. End summary.

2. As instructed Reftel Emboff raised Protocol I issue with Jacques Boullet, Acting Chief of PACTSND Disarmament at Foreign Ministry, in absence of more knowledgeable officials who are in New York for SSOD.

3. Boullet noted that in his SSOD speech May 25 President Giscard said that "France hopes . . . to be able to sign Protocol I. With that intention it will open contacts with authorities established by the treaty with a view of examining the conditions under which the signature could come about." Thus the GOF statement is conditional.

4. Boullet said that as far as he knows no contact has yet been made with OPANAL. He expected that the contacts will not occur until after the conclusion of the SSOD. However GOF officials now in New York may have a better idea on timing.

5. We will continue to discuss this issue. For that purpose we would appreciate receiving a copy of the analysis of the treaty and Protocol I which has been given to French Embassy in Washington.<sup>3</sup>

**Hartman**

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780226-0459. Confidential. Sent for information to Mexico City and USUN.

<sup>2</sup> In telegram 133115 to Paris, May 25, the Department of State instructed the Embassy to notify the French Government that the Soviet Union and Argentina intended to ratify Protocol II during the UN's Special Session on Disarmament. (National Archives, RG 59, Central Foreign Policy File, D780221-0015)

<sup>3</sup> Not found.

**439. Telegram From the Embassy in Argentina to the Department of State<sup>1</sup>**

Buenos Aires, June 16, 1978, 2032Z

4680. USIAEA. Subject US/Argentine Nuclear Cooperation. Ref: A Buenos Aires 4284,<sup>2</sup> B State 140112,<sup>3</sup> C State 78782,<sup>4</sup> D State 73111.<sup>5</sup>

1. Summary: The GOA having announced ratification of the Treaty of Tlatelolco<sup>6</sup> is taking steps toward discussion with IAEA for international safeguards. They expect the US to recognize this with some positive moves toward expanded cooperation such as discussions on transfers of heavy water productions technology. They still contend this was the agreement reached in the Joint Communiqué of last November<sup>7</sup> and claim that reprocessing discussions were out of the context of the Joint Communiqué, and in any event, according to GOA they are not reprocessing. The GOA does not feel Tlatelolco is important from a non proliferation standpoint but will follow this requirement to satisfy US requests. They again specify that the NPT is discriminatory

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780253–0160. Confidential. Sent for information to Brasília, Mexico City, and Vienna.

<sup>2</sup> Telegram 4284 from Buenos Aires, June 5, reported that “With the ratification of the Treaty of Tlatelolco, Argentina feels it has lived up to the US recommendation made during the visit of Secretary Vance last November concerning the first stage for nuclear cooperation; the GOA is expecting an active US response.” (National Archives, RG 59, Central Foreign Policy File, D780234–1016)

<sup>3</sup> Telegram 140112 to Buenos Aires, June 2, informed the Embassy that “Argentine Foreign Minister Montes confirmed publicly that Argentina will ratify the Treaty of Tlatelolco. There was no indication, however, as to when this long awaited step might take place or whether Argentina will waive the condition necessary for the treaty to enter into force.” The Department also requested “the Embassy’s thoughts on when actual ratification might be expected and what, if any, additional steps we might take to encourage prompt Argentine action.” (National Archives, RG 59, Central Foreign Policy File, D780232–0070)

<sup>4</sup> Telegram 78782 to Buenos Aires, March 28, contained a note concerning U.S. understanding of the Joint Communiqué on nuclear cooperation issued during Vance’s November 1977 visit to Argentina. (National Archives, RG 59, Central Foreign Policy File, D780133–0917)

<sup>5</sup> Telegram 73111 to Buenos Aires, March 27, informed the Embassy that Castro Madero had asked Smith to “provide him a written statement of the conditions under which we would supply heavy water to Argentina.” Accordingly, the Department instructed the Embassy to deliver a note to the Argentine Government which explained that the United States would supply heavy water to Argentina contingent upon Argentina’s adoption of full-scope safeguards with the IAEA and ratification of the Treaty of Tlatelolco. (National Archives, RG 59, Central Foreign Policy File, D780133–0917)

<sup>6</sup> At the May 27 UN Special Session on Disarmament meeting, the Argentine Minister of Foreign Affairs, Vice Admiral Oscar Montes, announced that his country would ratify the Treaty. (Telegram 4184 from Buenos Aires, May 31; National Archives, RG 59, Central Foreign Policy File, D780229–0156)

<sup>7</sup> See footnote 2, Document 426.

and they will not sign. The GOA is highly interested in expanded nuclear cooperation with the US and is looking forward to talks in this direction. End summary.

2. The following is an unofficial and free translation of a Diplomatic Note received by the Embassy in answer to our Diplomatic Note No 75 dated 3/28/78 (Reftel C), concerning US understanding of the Joint Communiqué issued during the visit of Secretary Vance to Argentina in November, 1977, and delineating the three stages of cooperation discussed.

3. "—The Ministry of Foreign Affairs and Worship of the Argentine Republic presents its compliments to the Embassy of the United States of America and has the honor to refer to the Embassy Verbal Note No 75, dated March 28, 1978.

—The Government of the US expresses in Note 75 its position with respect to some of the questions discussed during the conversations held by officers of both countries on bilateral nuclear cooperation, on occasion of the visit to Buenos Aires of Mr Cyrus Vance, Nov 18–22, 1977. It also establishes its interpretation of the text of the Joint Communiqué in connection with those questions.

—In referring to the activities to be undertaken by both governments, the Note states in the three stages indicated that: 'these actions would occur separately; they would not be linked, nor would subsequent stages of expanded cooperation be specifically linked to these actions.' These are high principles but to our understanding, do not include the idea of mutual relations, ie "do ut des" (give and take). It seems natural to interpret that, in general, a cooperation plan contemplates in some way an approximate equivalence in the actions that both countries undertake.

—Hence, it is our interpretation that the conversations held at that time led to the expressed intention on the side of the US to transfer heavy water technology to our country, and to our country's intention to ratify the Treaty of Tlatelolco and enter into a regime of full-scope safeguards like those of the IAEA.

—We understand that this technology transfer—even though it may not really contribute to nuclear proliferation—may be of a sensitive nature and dissemination would be considered as an exception to the US policy. Argentina in turn expected the US to understand that the ratification of Tlatelolco contained difficulties, since it implicated overcoming internal opposition from different sectors. Also, it is to be noted that such ratification corresponds in a larger measure—if not exclusively to the interpretation of the US, and not that of Argentina, with respect to the effects of non-proliferation of Tlatelolco and that it would satisfy a point of US policy.



—Argentina takes note, then, of what the Government of the US expresses in the Note which is now being answered, but would like at least to point out that its own understanding of the questions mentioned in the Note pertaining to the meaning of the Joint Communiqué, differs in some aspects with those of the Government of the US.

—It may be remembered also that some opinions stated during the conversation (in November), which my government feels are of great importance, were expressed by the GOA in opposition to the unilateral and anticipated postponement of possible chemical reprocessing activities, which in any event, are not being carried out in Argentina.

—Notwithstanding the above mentioned, the Argentine Government is convinced that both countries are greatly interested in pursuing the high objective of nuclear non proliferation, and also that the US Government has a sincere interest in promoting and extending nuclear cooperation for peaceful ends with Argentina. Under such circumstances, the Argentine Government is certain that the different opinions on the interpretation of the Joint Communiqué and other questions mentioned in Note 75 can be reconciled by means of the contacts which may be established, and which the Argentine Government looks forward to with its best disposition.

—The Ministry of Foreign Relations and Worship renews to the Embassy of the United States of America the expressions of its highest consideration.” Signed: Alberto Aden, Minister, International Organizations Dept.

4. Comments: On June 13, SciCouns met with Minister Aden, MFA, who prepared the Note, (Aden handles UN and international organizations and has responsibility for nuclear affairs in that division) to discuss the contents of the Note and other issues related to the Treaty of Tlatelolco and full scope safeguards. Minister Aden indicated that Argentina has announced the ratification of Tlatelolco and will enter into discussion in the near future with IAEA to develop and agreement for full scope safeguards. He said the treaty is now with the CAL and the Presidency for final approvals.

5. However, Aden stated emphatically that the GOA had overcome tremendous internal pressure against the ratification of Tlatelolco and feels now the ball is in the US court, so to speak, to live up to their part of the “bargain” as agreed in the Joint Communiqué. Aden mentioned also that Argentina would not sign the NPT because of its discriminatory aspects as outlined by Foreign Minister Montes at the SSOD. He feels the US should understand how deeply the signing of the Tlatelolco Treaty had separated internal GOA politics, and how much pressure was on the President not to ratify the Treaty. The President, however, in order to live up to his US commitment, made the decision to ratify. Aden stated that Argentina never attached much

importance to the Tlatelolco Treaty as a device to prevent non-proliferation since they (Argentina) never had the intentions to proliferate. However, primarily because the US felt this was an important move followed by international safeguards as discussed during the Vance visit last November, the GOA decided to ratify the Treaty accompanied by international safeguards and was under the impression the US would follow up with discussions on the transfer of heavy water technology. This exchange, according to Aden, was the crux of the whole matter and apparently where both countries are now of different opinions relative to the outcome of the November discussions. The Sci-Couns reviewed again the US understanding of the discussions as stated in our note, and indicated that it is our clear understanding that paragraph 7 of the Communiqué referred to expanded US/Argentine nuclear cooperation under the first two stages and that the phrase "relevant technology" did not include transfer of heavy water production technology except under conditions described in the third stage. The third stage included the requirement for a deferral of reprocessing activities and the negotiation of a full scope safeguard agreement if this was not accomplished under stages one or two. These would be the conditions for further discussions on the transfer of heavy water technology. As stated in the Note, this US position had been expressed on several occasions to Castro Madero and other GOA officials by Amb Smith, Prof Nye, and Embassy officers.

6. Aden indicated deferral of reprocessing was not a part of the Joint Communiqué but of separate discussions during the visit. He claimed this was not connected to receiving heavy water technology from the US; and in any event, Argentina was not involved in chemical reprocessing and does not have the need nor the technology. However, Aden said this would remain a technical question that could be discussed further with the US.

7. Finally, Aden stated Argentina was highly interested in moving ahead with important discussions with the US on future nuclear cooperation and objectives of non-proliferation. He feels if both governments work together on a sincere basis for peaceful purposes of atomic energy, these differences related to the Joint Communiqué and stages of cooperation can be resolved.

8. The reporting officer indicated he was actively working with CNEA officials and lawyers on the review of the US Non-Proliferation Act and that they had requested discussions with the US side on the renegotiation of a nuclear cooperation agreement (Reftel A) which would be necessary before some of the expanded cooperation referred to in the Note could take place.

9. In a final question on the PNE Section of Tlatelolco, Aden mentioned this would be decided by Cal and the presidency but he felt this was not of great importance to Argentina.

10. As stated in previous messages and inclusive in the above Note and conversation, the GOA has indicated their decisions to include full scope safeguards with the ratification of Tlatelolco. However, they (GOA) fully expect that the US should understand how difficult this decision was because of internal pressure against it and feel they have lived up to their commitment in the Joint Communiqué of last November. The GOA now expects the US to enter into expanded talks on nuclear cooperation, including the provision of heavy water production technology. Regarding the provision requesting the deferral of reprocessing, they claim it was not a part of the Joint Communiqué and, in any event, would not be an issue since (CNEA) is not reprocessing.

11. It seems we have now come to the point where further joint talks are necessary. If Argentina takes the action to fulfill stage two by moving toward a safeguards agreements with IAEA, we should move ahead with discussions on the renegotiation of our nuclear cooperation in the fields indicated. The issue of reprocessing and heavy water technology can be covered in these discussions. The Embassy could begin by discussing the model nuclear cooperation agreement with the GOA which we have not yet received authority to do.<sup>8</sup>

**Castro**

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<sup>8</sup> On June 30, the Ambassador to Argentina, Raul Castro, reported that the Argentine Government believed that “the Brazilians are dictating nuclear policy to the US,” because not only had its nuclear deal with the Federal Republic of Germany gone forward, but it had not been forced to adhere to the Treaty of Tlatelolco, establish full-scope safeguards, or sign the NPT. Meanwhile, Argentina believed that it was “being diplomatically isolated and discriminated against from the standpoint of transfer of nuclear technology for not signing the NPT.” (Telegram 5034 from Buenos Aires, June 30; National Archives, RG 59, Central Foreign Policy File, D780271–1134)

**440. Memorandum from the President's Assistant for National Security Affairs (Brzezinski) to Secretary of Defense Brown<sup>1</sup>**

Washington, August 7, 1978

## SUBJECT

Senate Ratification of the Treaty of Tlatelolco

I understand that the Senate Foreign Relations Committee is currently planning to hold hearings on Protocol I of the Treaty of Tlatelolco in mid-August. I know that you are aware of the importance which the President attaches to ratification of Protocol I, and that you will ensure that the representatives from your Department and from the Joint Chiefs of Staff who will testify before the Committee will indicate their complete and unequivocal support for the Treaty.

You may recall that the President said that he would sign Protocol I in his Pan-American Day speech, April 1, 1977,<sup>2</sup> and signed it on May 26.<sup>3</sup> At least partly because of the President's decision, the Argentines and the Soviets have both taken steps to ratify the Treaty. It would be ironic and perhaps a little embarrassing if we were one of the last holdouts, preventing the Treaty from coming into force sooner. There is little chance that the Senate would be able to ratify the Treaty this year if DOD or the JCS expressed any reservations to ratification. Indeed, unless DOD and JCS are aggressively supportive of ratification, the Senate may decide to put off consideration until next year. I don't have to tell you that it would be a significant accomplishment of the President's non-proliferation and Latin American policy if Protocol I could be ratified this year. Could you please have your staff inform mine who will be the representatives from DOD and JCS testifying at the hearings?

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Library of Congress, Manuscript Division, Harold Brown Papers, Box 74, General Files, Tlatelolco, Treaty of. Confidential. The memorandum was leaked to columnists Rowland Evans and Robert Novak, who quoted from it in a *Washington Post* column. (Evans and Novak, "Retreat from an 'Open Administration'," *Washington Post*, August 28, 1978) The column elicited an official letter from the Chairman of the Joint Chiefs of Staff, General David Jones, to the Chairman of the Senate Foreign Relations Committee, John Sparkman (D-Alabama), which explained that the Joint Chiefs had endorsed the signing of Protocol I in December 1977. (*Congressional Record*, September 27, 1978)

<sup>2</sup> Carter actually made the announcement on April 14, 1977. See Document 410.

<sup>3</sup> See footnote 2, Document 414.

**441. Memorandum From the Executive Secretary of the  
Department of State (Tarnoff) to the President's Assistant for  
National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, August 11, 1978

SUBJECT

Colombian Representations with Cuba re Tlatelolco

During the meeting in Panama June 16–17, Colombian President Alfonso Lopez Michelsen promised President Carter to press Fidel Castro to sign the Tlatelolco Treaty.<sup>2</sup> President Lopez has now provided us with the following summary of the results of his representations.

Lopez instructed his Foreign Minister who attended the Cuban national ceremonies July 26 to speak personally to Castro on this subject. Castro told the Colombia Foreign Minister that he would *not* sign the Treaty; that the USSR had been pressing him hard to do the same thing and he has said no to the Soviets; that this was in fact one of the main current points of differences he had with the Russians. Castro explained that he was not about to give up his freedom of maneuver or limit his future freedom (even though he had no intention of storing or acquiring nuclear arms) just because the big powers ask him to do so, i.e. “free of charge.” Lopez concluded that Castro is firm against signing.

President Lopez said he wanted President Carter to know that he had complied with his promise and asked that the above information be passed to him.

**Peter Tarnoff**  
*Executive Secretary*

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Subject, Treaty of Tlatelolco/Nuclear, Box 66: 1/78–4/80. Confidential.

<sup>2</sup> Not found.

**442. Telegram From the Embassy in France to the Department of State<sup>1</sup>**

Paris, August 9, 1978, 1751Z

25032. Subject: French Position on the Treaty of Tlatelolco. Ref: State 198484.<sup>2</sup>

1. According to Francis Beauchataud (Acting Chief of MFA Pacts and Disarmament Office), the French have had preliminary discussions with Treaty organization in order to clarify some uncertain aspects of Protocol I and will continue these talks in September. One major juridical sticking point is French insistence that overseas departments in South America and Caribbean (Martinique, Guadeloupe and French Guiana) be explicitly recognized as “de jure” a part of France and not allowed to float along under the vague Protocol rubric of “de facto or de jure” territories. In more general terms, Beauchataud characterized Protocol I as an “assortment of compromises” for which France, as a non-participant in the negotiating process, would need fuller explanation before signing.

2. Comment: Beauchataud made no reference to a Giscard visit to Mexico. (The French President is scheduled to visit Brazil.) He placed no urgency on French adherence to Protocol I, referring instead to a rather open-ended negotiating process beginning in the fall. These talks would serve to clarify the numerous ambiguities in the Protocol which the French now perceive.

**Hartman**

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780327-0403. Confidential. Sent for information to Mexico.

<sup>2</sup> In telegram 198484 to Paris, August 7, the Department of State asked the Embassy for an update on the French position on the Treaty and information on a possible August trip by Giscard to Mexico. (National Archives, RG 59, Central Foreign Policy File, D780322-1011)

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**443. Editorial Note**

Vice President Walter Mondale, scheduled for an early September 1978 visit to Rome to meet with the Italian Government and Pope John Paul I, agreed to meet with Argentine President Jorge Rafael Videla on September 4 “to discuss the deterioration in U.S.-Argentine relations.”

In addition to human rights, the Department of State briefed Mondale about Argentina and nuclear non-proliferation. The Department admitted that “the ultimate intentions of the Argentine leadership in the nuclear field are not clear,” but noted that Argentina’s “decision to ratify the Treaty of Tlatelolco represents a limited but welcome step to accept greater restrictions on its freedom of action.” Still, Argentina had refused to forego the construction of its own reprocessing plant “unless parallel action is taken by Brazil.” Such a plant could “give Argentina an ample source of safeguard-free plutonium to support a weapons program as early as 1981.” (Briefing Memorandum attached to Memorandum from Assistant Secretary of State for Latin American Affairs Viron Vaky to Secretary Vance, September 1; Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 4, Argentina, 1/77–12/78) However, neither Mondale nor Videla raised the nuclear issue during the meeting. The details of their discussion are reported in telegram 226556 to Buenos Aires, September 7. (National Archives, RG 59, Central Foreign Policy File, D780365–0126)

Over the next three months, the United States continued to press representatives of the Argentine Government to set a date for its official ratification of the Treaty of Tlatelolco. An Argentine diplomat said that the “tie-up” over ratification lay in the Ministry of Economy, which had “requested more background information on the Treaty.” (Telegram 7156 from Buenos Aires, September 12; National Archives, RG 59, Central Foreign Policy File, D780374–0734) In early October, another Argentine diplomat blamed the delay on “questions” that had been raised “about the safeguard agreement that would be negotiated with IAEA, which the Foreign Ministry was unable to answer because such agreement has not rpt not yet been negotiated.” (Telegram 8903 from Vienna, October 3; National Archives, RG 59, Central Foreign Policy File, D780404–0116)

The Central Intelligence Agency also reported that both Argentina and Brazil resented U.S. intrusion into their nuclear programs. Argentina “steadfastly refuses to sign the nuclear nonproliferation treaty, contending that it discriminates against countries without nuclear weapons,” and believed that the Jimmy Carter administration “will have to relent in its current policy. Meanwhile Argentina wants to have the technology so it can independently decide whether or not to reprocess” nuclear materials. Brazil, the Agency reported, had “great power aspirations” and its “resentment of US human rights and proliferation policies has heightened Brazilian sensitivities.” Like Argentina, “the Brazilians view US nuclear nonproliferation concerns in similar context, often saying that US opposition to the Brazil-West German nuclear accord is merely a veiled attempt to constrain Brazilian growth.” Argentina’s decision to “develop reprocessing technology will al-

most certainly prompt Brazil to follow suit." (Intelligence Report RPM-78-10410, November 6; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 9-12/78)

On November 24, the Embassy in Vienna informed the Department of State that the International Atomic Energy Agency was "urgently seeking views of USG, Canada, FRG, and UK re an approach to resolve the no rpt no explosive device issue which Argentina is steadfastly resisting in connection with its negotiation of a full-scope safeguards agreement" pursuant to its ratification of the Treaty of Tlatelolco. Vienna said that while it had become "increasingly concerned about the intensity with which GOA apparently is pursuing the PNE issue and the motivations behind this push," the IAEA's position represented a "retreat" from its previous position that "the no rpt no explosive device commitment would henceforth be made explicit in all future safeguards agreements." The Embassy recommended that the Carter administration coordinate a "negative response to the Agency" because the "suggested approach is contrary to US policy." (Telegram 10694 from Vienna, November 24; National Archives, RG 59, Central Foreign Policy File, D780484-1054)

The Embassy in Buenos Aires subsequently informed the Department that Argentine officials, in particular "hard-liners" in the military and Foreign Ministry, had "consistently indicated that Argentina must keep her nuclear options open and maintain the right of PNE's as the GOA interprets the Tlatelolco Treaty." These officials "felt strongly that this option must be left open because of the regional stability question and the fact that there is very little trust in the direction future Brazilian governments will move on a nuclear weapons program, whether under safeguards or not. The GOA has maintained this same policy on the re-processing issue." (Telegram 9362 From Buenos Aires, November 28; National Archives, RG 59, Central Foreign Policy File, D780492-0826)



**444. Telegram From the Embassy in Mexico to the Department of State<sup>1</sup>**

Mexico, October 30, 1978, 0239Z

18001. Dept please pass NSC for Aaron and Pastor. Subject: Deputy Assistant to President for National Security David Aaron's Conversation with Ambassador Sergio Gonzalez Galvez, Director in Chief for International Organizations, Secretariat of Foreign Relations (SRE).

1. Following is a memorandum of the conversation which took place between Mr. Aaron and Amb. Gonzalez Galvez at the Mexican Secretariat of Foreign Relations (SRE) on October 26, 1978. The conversation covered a wide range of subjects including conventional arms control, Tlatelolco, Nicaragua, UN, OAS, nonaligned movement, Belize, and Mexican participation in peace keeping operations. Other participants are listed at end of telegram.

2. Mr. Aaron opened the meeting by speaking of President Carter's interest in revitalizing the spirit of cooperation which had characterized the beginning of the Lopez Portillo-Carter Administrations. He said he would be reporting the results of his visit directly to the President and that he would welcome Gonzalez Galvez views on a wide range of international issues. He spoke of President Carter's great interest in Mexican-U.S. relations and expressed the belief that the time was now ripe for increased emphasis on U.S.-Mexican cooperation.

3. Gonzalez Galvez began by recounting the history of Mexico's recent efforts for international arms control.

[Omitted here is discussion unrelated to the Treaty of Tlatelolco.]

5. Tlatelolco

Gonzalez Galvez (GG) expressed thanks for the effective support the U.S. has given the Tlatelolco Treaty, support he knew had been especially effective with the Soviet Union and Argentina. He then said that in response to the U.S. request, Foreign Secretary Roel had spoken to Soviet Foreign Minister Gromyko asking that the Soviets not reiterate the statement they made upon signing the Treaty when they deposit their instrument of ratification. Gromyko had been noncommittal, saying only that the Soviets would seriously consider the Mexican request. Gonzalez Galvez said the Soviets gave no indication of when they would ratify. Mr. Aaron emphasized that reiteration of the Soviet statement would give the U.S. serious problems both because it would

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D780446–0175. Confidential; Immediate; Exdis.

cast doubt on the validity of the Treaty and lead to other reservations, and because it would seriously jeopardize U.S. ratification of Protocol I of the Treaty. He urged that the Mexicans continue to press the Soviets not to reiterate their statement. Mr. Pastor added that if the Soviet statement were repeated, a statement from Mexico supporting the U.S. position on nuclear transit might be necessary to ensure U.S. Senate ratification of Protocol I of the Treaty.

6. Gonzalez Galvez said Mexico strongly preferred not to have to make a statement re nuclear transit. He noted that his government has already declared that it would not permit nuclear transit on its territory and said that Panama had taken a similar position in a declaration made in 1968. We pointed out that notwithstanding any earlier Panamanian statement, the New Panama Canal treaties quite clearly do not prohibit nuclear transit, and that the new treaties superceded the 1968 Panama statement. GG accepted that point. He added that he had spoken to the Cubans on Tlatelolco.

[Omitted here is discussion unrelated to the Treaty of Tlatelolco.]

#### 445. Telegram From the Department of State to the Embassy in the Federal Republic of Germany<sup>1</sup>

Washington, November 22, 1978, 0252Z

295257. Subject: Supply of Heavy Water to Argentina. Ref: (A) Bonn 21089,<sup>2</sup> (B) State 285333.<sup>3</sup>

<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D780480-1105. Secret; Exdis. Sent for information to Brasilia, Buenos Aires, and Ottawa. Drafted by John Bligh (EUR/CE); cleared by Susan Klingaman (EUR/CE), Richard Barkley (EUR/CE), James Thyden (S/S-O), and Vest; and approved by William Woesner (EUR/CE).

<sup>2</sup> Telegram 21089 from Bonn, November 15, reported that the West German Foreign Ministry said that its government "has difficulties with supplying heavy water technology to Argentina and has told the Argentines so. Basic FRG policy is to refuse to provide sensitive technology to a nation which is attempting or intending to acquire sensitive nuclear technologies for the full fuel cycle." (National Archives, RG 59, Central Foreign Policy Files, D780471-0410)

<sup>3</sup> Telegram 285333 to Bonn, November 9, informed the Embassy that in recent discussions with Argentina on nuclear cooperation, the United States "reiterated that (1) it expected Argentina to complete its ratification of the Treaty of Tlatelolco; (2) agreement to NPT-type full-scope safeguards would greatly facilitate expanded cooperation with the US (e.g., assistance with Argentine export of research reactors); and, (3) heavy water technology supply would be contingent upon indefinite deferral of its reprocessing plans. In this context, Dr. Jorge Coll, Secretary-General of CNEA, stated that deferral of reprocessing was linked to Brazil's program because of Argentina's concern about regional stability, and that US policy on the non-supply of heavy water production technology was driving Argentina toward doing business with the FRG." (National Archives, RG 59, Central Foreign Policy Files, D780464-0048)

1. Assistant Secretary Vest took advantage of November 20 visit (on unrelated subject) by Ambassador Von Staden to present latter with following aide mémoire expressing U.S. concerns over non-proliferation aspects of subject transaction:

Begin text: The Department of State wishes to bring to the attention of the Embassy of the Federal Republic of Germany an issue involving Argentina which is of grave concern to the United States.

The United States is deeply concerned over the prospect of nuclear weapons proliferation in the Western Hemisphere and has indicated to Argentina its expectation that that country will complete ratification of the Treaty of Tlatelolco and accept an international safeguards obligation covering all of its nuclear activities and precluding any nuclear explosive use.

In addition, both Brazil and Argentina have been urged to defer their plans for the development of nuclear reprocessing facilities. The United States believes that the Argentine reprocessing program is spurred primarily by a desire to maintain its lead over Brazil and that this competition could lead to a reprocessing race in Latin America which would threaten hemispheric stability.

In discussions with Argentina over the last year, the United States has taken the firm position that it would be prepared to supply heavy water production technology, which Argentina is seeking, only if Argentina deferred its reprocessing plans in addition to the steps indicated above.

The United States is concerned, however, that Argentina will attempt to obtain this sensitive technology from other suppliers without deferring reprocessing.

Representatives of the United States have called the attention of officials of the Government of the Federal Republic and other potential suppliers of heavy water production technology to this matter and to the belief that this technology should not be supplied to Argentina unless it agreed to defer its reprocessing plans. The Embassy of the United States in Bonn has been informed that the Government of the Federal Republic shares these concerns and intends to take a similar position, if the Federal Republic is approached concerning the supply of heavy water production technology. The Department of State appreciates this attitude and wishes to ensure that senior members of the Government of the Federal Republic are aware of the strong interest of the United States in this issue.

The Department of State believes that it is important that the Governments of the United States and the Federal Republic consult closely on this issue and, in particular, before any binding commitments are entered into for the supply of this technology to Argentina.

The Department of State appreciates the Embassy's consideration in advising the Government of the Federal Republic of United States' concern in this matter and looks forward to continued cooperation on the non-proliferation issue. End text.

2. Von Staden promised that expression of U.S. concerns would reach highest levels of his government adding that he was sure that Rouget (Ref A) had already seen to it.

**Christopher**

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**446. Telegram From the Department of State to the Embassies in the United Kingdom and France<sup>1</sup>**

Washington, December 1, 1978, 2125Z

304639. USMission IAEA. Subject: U.S. Response to Soviet Statement on Protocol II to the Treaty of Tlatelolco.

1. On May 18, 1978, the Soviet Union signed Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America, also known as the Treaty of Tlatelolco.<sup>2</sup> Protocol II is open for adherence to nuclear weapon states only and requires them to respect the nuclear weapon-free zone established by the Treaty and to refrain from using or threatening to use nuclear weapons against the parties to the Treaty. The U.S., UK, France and People's Republic of China have previously signed and ratified Protocol II.

2. We welcome Soviet signature of Protocol II. However, their signature was accompanied by a declaration which, inter alia, stated that:

"The final act of the preparatory commission for the denuclearization of Latin America interprets the Treaty in the sense that the granting of transit authorization for nuclear weapons requested by States that are not party to the Treaty shall lie within the jurisdiction of each State party to the Treaty. In this regard, the Soviet Union reaffirms

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D780496-1184. Confidential; Immediate. Sent for information Priority to Moscow, Mexico City, USUN, Vienna, and Panama City. Drafted by Margot Mazeau (ACDA/GA) and Michael Matheson (L/PM); cleared by Louis Nosenzo (OES/NET), Lorna Watson (ACDA/NP), Charles Steiner (PM/NPP), George Jones (ARA), Kent Brown (EUR/SOV), Pastor (NSC), Susan Flood (OSD/ISA), Mark Lissfelt, and Peter Reams (EUR/NE); and approved by James Michel (L).

<sup>2</sup> See Document 437.

its position that transit authorization for nuclear weapons in any form would be contrary to the purposes of the Treaty, according to which, as specifically stated in the Preamble, Latin America must be completely free from nuclear weapons, and would be incompatible with the non-nuclear status of the States party to the Treaty and with their obligations laid down in Article 1 of the Treaty."

"Any actions carried out by a State or States Party to the Tlatelolco Treaty that are incompatible with their non-nuclear status . . . shall be considered by the Soviet Union to be incompatible with the obligations of those countries under the Treaty. In such cases the Soviet Union reserves the right to review its obligations under additional Protocol II."

"The Soviet Union also reserves the right to review its attitude toward additional Protocol II in the event of actions by other States possessing nuclear weapons which are incompatible with their obligations under the aforementioned Protocol."

3. It is not clear to U.S. whether this declaration was intended as a statement of Soviet view as to the legal obligations of the parties, or only a statement as to how they might react to certain actions by others which they would regard as politically objectionable even though legally permissible; and we would not want to characterize the statement one way or the other. Nonetheless, the above parts of the Soviet statement take exception to the negotiating history of the Treaty and are in conflict with the formal understanding placed on record by the United States at time of its ratification, and we would not wish to leave them unchallenged. The USG instrument of ratification of Protocol II included the following understanding: "that the United States government takes note of the preparatory commission's interpretation of the Treaty, as set forth in the final act, that governed by the principles and rules of international law, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the Treaty, to grant or deny non-contracting parties transit and transport privileges." (In fact, the idea of including in the Treaty a prohibition on granting such transit and transport privileges was explicitly rejected during the negotiation of the Treaty.) Thus, it is clear that the Treaty permits the contracting parties to grant transit rights through their territories to airplanes or vessels carrying nuclear weapons, and the USG placed explicit reliance on that interpretation in ratifying Protocol II.

4. We have requested that the Soviets reconsider their declaration and have strongly urged them not to repeat it upon ratification. However, they have not given any indication that they are willing to refrain from repeating it. Soviet declaration will be a negative factor when Senate considers U.S. ratification of separate Protocol to Treaty (Protocol I), applicable to non-Latin American States who administer territory in Treaty's zone of application.

5. USG intends to reply formally to the Soviet declaration through the depositary (the Government of Mexico) and to request the depositary to circulate reply to all signatories and parties to the Treaty and its protocols. USG reply could be made either at time of Soviet ratification or at this time. If statement were made now and if the Soviet Union were to repeat its declaration on ratification on Protocol II, we would then reiterate our own position in an appropriate manner. FYI: We want to have our statement on record when Senate considers U.S. ratification of Protocol I next year. End FYI.

6. Proposed U.S. reply follows:

Begin text. The Department of State refers to the note from the Embassy of Mexico, dated June 7, 1978,<sup>3</sup> transmitting a copy of the Spanish translation of a declaration made by the Government of the Union of Soviet Socialist Republics on the occasion of its signing of Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

The Government of the United States welcomes the signature of the Protocol by the Government of the Union of Soviet Socialist Republics. However, the Government of the United States does not agree with the view expressed by the Government of the Union of Soviet Socialist Republics in the second sentence of paragraph 5 of its statement on signature:

"That transit authorization for nuclear weapons in any form would be contrary to the purposes of the Treaty . . . and would be incompatible with the non-nuclear status of the States party to the Treaty and with their obligations laid down in Article 1 of the Treaty."

The Government of the United States wishes to reaffirm its position, as expressed in the statement accompanying its ratification of Protocol II, that, as set forth in the preparatory commission's final act, each of the contracting parties retains exclusive power and legal competence, unaffected by the terms of the Treaty, to grant or deny non-contracting parties transit and transport privileges.

It is therefore the position of the Government of the United States that the statement made by the Government of the Union of Soviet Socialist Republics in no way affects the legal rights and obligations of any party to the Treaty or its protocols.

The Department requests the Embassy to take the necessary steps to have the Government of Mexico inform the other parties to the

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<sup>3</sup> Not found.

Treaty and its protocols of the view expressed by the Government of the United States with respect to this matter. End text.

7. Since both UK and France are parties to Protocol II, we request that you advise appropriate British and French officials of the foregoing, encourage them to make similar replies to the Soviet declaration, and elicit their views as to the timing of such replies (i.e., whether they prefer to await Soviet ratification). We will provide copies of above to Embassies in Washington.

Vance<sup>4</sup>

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<sup>4</sup> On December 12, the Soviet Presidium officially ratified Protocol II. Its statement made no mention of the transit issue. (*Documents on Disarmament*, 1978, pp. 709–710)

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**447. Memorandum From Ambassador-at-Large and Special Representative for Non-Proliferation Matters Smith to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, March 1, 1979

SUBJECT

Your Meeting with Otto Lambsdorff and the Question of FRG Heavy Water Technology Sale to Argentina

Lambsdorff yesterday said it was especially important for the FRG to sell heavy water technology to Argentina as an accompaniment to its selling reactors which use heavy water.<sup>2</sup> German industry needed to include this technology in its offer in order to compete with the Canadians for reactor sales. Recently we have had indications that the Canadians may also offer this technology to gain Argentine reactor sales. Lambsdorff stressed that the FRG would condition the sale on Argentina's acceptance of safeguards on all Argentine nuclear facilities

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 4, Argentina, 1/79–1/80. Confidential. A copy was sent to Matthews.

<sup>2</sup> No further record of this meeting has been found.

("full-scope").<sup>3</sup> The Canadians have said they would also insist on full-scope safeguards.

Our position has been conveyed to the Germans<sup>4</sup> and Canadians.<sup>5</sup> Heavy water production technology should be offered only if Argentina defers its reprocessing plans, as well as accepts full-scope safeguards and ratifies the Treaty of Tlatelolco. The basis for our position is not that heavy water technology will enable Argentina to build a bomb, but that this technology will make Argentina independent of supplier pressure, thereby removing any lever to get Argentina to defer reprocessing.

I urged Lambsdorff that the Federal Republic not face the U.S. with a *fait accompli* but to raise the matter at a higher level, and in the meantime we would review the matter. I suggest you ask that we be given an opportunity to review the matter before any final decision is reached by the FRG.

Attached is my request to Tom Pickering for a State-ACDA review.<sup>6</sup> (Dr. Mathews is participating.)

**Gerard Smith<sup>7</sup>**

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<sup>3</sup> Telegram 1254 from Paris, January 12, reported that Smith told Hermes that the United States "was pleased by assurances given by FRG that it would not sell heavy water technology without receiving assurances parallel to those requested by US (Tlatelolco plus full scope safeguards plus delay of reprocessing)." The Germans said that the final decision "had not been made," but "asked why full scope safeguards alone were not enough." Smith and Pickering argued "that with sensitive facility like reprocessing plant, possibility of abrogation of safeguards was real and that we did not believe it was good idea to introduce reprocessing anywhere at a premature stage." The U.S. Delegation believed "it is clear that Germans are being pushed by their industry to sell heavy water technology to Argentina and do not want to make deferral of Argentine reprocessing a condition." Indeed, "Smith categorically restated US opposition to such sale." (National Archives, RG 59, Central Foreign Policy File, D790016-1079)

<sup>4</sup> Several months ago George Vest conveyed our position to Ambassador Von Staden [see Document 445]; I reviewed our position with Hermes in Bonn last month [see footnote 3 above] and last week in Vienna I was told by the FRG Governor on the IAEA Board that Schmidt was aware of our position. [Footnote is in the original.]

<sup>5</sup> Not found.

<sup>6</sup> Not attached.

<sup>7</sup> Smith signed the memorandum "Gerry."



**448. Telegram From the Department of State to the Embassy in the Soviet Union<sup>1</sup>**

Washington, March 21, 1979, 1614Z

69906. USIAEA. Subject: Supply of Heavy Water Production Technology to Argentina (C). Refs: A) Vienna 1944;<sup>2</sup> B) Moscow 6645;<sup>3</sup> C) Buenos Aires 1787.<sup>4</sup>

1. (C) Entire text.

2. In response to Morokhov's questions posed Reftel A concerning sale of heavy water production technology and heavy water to Argentina, Embassy should convey the following comments to Morokhov (if he has returned to Moscow) and other appropriate Soviet officials. (These can also be used to answer Komplektov, per Reftel B.)

3. As Assistant Secretary Pickering informed Morokhov in February,<sup>5</sup> Argentina is currently shopping for heavy water production technology and has discussed sale of this technology with several suppliers, but principally with Canada and the FRG.

4. Both Canada and the FRG are fully aware of our position (which we believe is shared by the USSR) that such sensitive technology should not be transferred as a general rule; and, failing this, our view that any transfer to Argentina of heavy water technology should be conditioned on Argentine ratification of the Treaty of Tlatelolco,

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D790131–0131. Confidential; Immediate. Sent for information Priority to Buenos Aires, Bonn, Vienna, and Ottawa. Drafted by Anne Stefanos (OES/NET/NEP) and Michael Matheson (L/PM); cleared by Charles Salmon (T), Robert Kelley (S/AS), George Suchan (PM/NPP), Robert Sloan (L/N), Richard Williamson (ACDA), Benglesdorf (DOE), Carol Kay Stocker (EUR), Kent Brown (EUR), Charles Brayshaw (ARA), and George Jones (ARA); and approved by Michael Guhin (OES/NET/NEP).

<sup>2</sup> Telegram 1944 from Vienna, February 28, reported that the Soviets "had had reports to effect that Argentina was insisting in its negotiations for purchase of heavy water from FRG that this sale should be accompanied by a sale of heavy water technology" from the United States. (National Archives, RG 59, Central Foreign Policy Files, D790096–0500)

<sup>3</sup> Telegram 6645 from Moscow, March 17, reported that the Soviets again asked whether or not the United States would supply heavy water technology to Argentina. (National Archives, RG 59, Central Foreign Policy Files, D790123–0235)

<sup>4</sup> Telegram 1787 from Buenos Aires, March 6, reported that "Canada and Germany are expected to present final proposals on Atucha II reactor and related nuclear components to the GOA by March 15. Both proposals will include commercial heavy waters plants and related technology. It is possible that Germany will also propose fast breeder reactor technology in exchange for Argentine uranium." Most notably, the Embassy noted that "neither Canada nor Germany are expected to include any provisions in their proposals excluding reprocessing." (National Archives, RG 59, Central Foreign Policy Files, D790104–0017)

<sup>5</sup> See footnote 2 above.

conclusion of an NPT-type full-scope safeguards agreement with the IAEA, and indefinite deferral of its reprocessing plans.

5. Morokhov asked about the other suppliers' conditions for the sale of heavy water to Argentina for use in its Atucha II reactor. In the spirit of the suppliers' guidelines, the US is attempting to remove non-proliferation considerations from the area of commercial competition by offering to supply heavy water to Argentina for Atucha II in connection with the FRG reactor sale on the condition that, should the FRG win the bid for the Atucha II reactor, the FRG will require NPT-type full-scope safeguards as a condition of supply. We understand that Canada will require NPT-type full-scope safeguards as a condition of supply of heavy water for Atucha II. We hope the USSR would also adopt the same conditions for supply of heavy water to Argentina for Atucha II.

6. We intend to continue to emphasize our concerns in this matter. We believe close consultation between suppliers is very important, particularly in light of the number of suppliers with whom the GOA is discussing transfer of nuclear technology and material. We appreciate consultations with the Soviets on these matters.

7. FYI. Neither the Canadians nor the FRG has yet decided whether to proceed with the sale of heavy water production technology to Argentina. In addition, there are indications that Argentina may not insist that the nuclear sales package include heavy water technology at this time, although it would still plan to acquire the technology at some future time. End FYI.

Vance

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#### 449. Telegram From the Embassy in Ecuador to the Department of State<sup>1</sup>

Quito, April 25, 1979, 2120Z

2714. Subject: (U) Opening Session of OPANAL.

1. Entire text confidential.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790189-0869. Confidential; Immediate. Sent for information to Mexico City.

2. At OPANAL opening session statements were made by several observer nations and organizations including China, US,<sup>2</sup> France,<sup>3</sup> Great Britain, the Soviet Union, Finland, Poland, the OAS, and messages from the General Secretary of the UN, and the Director General of IAEA. While most of the statements were general comments reaffirming support for the principles and objectives of the Treaty of Tlatelolco, the statements of China and the Soviet Union deserve particular attention. Note that report of Chinese and Soviet statements is based on informal translation.

3. China was supportive of the idea of denuclearized zones and emphasized the need for the superpowers to recognize the serious menace represented by the arms race. China also stated that it favored the total prohibition, destruction and non-use of nuclear weapons. In specific reference to the Treaty of Tlatelolco, the Chinese called for two particular developments:

—Dismantling of all foreign military bases in Latin America and no future establishment of new bases in this region and

—Prohibition of all types of nuclear weapons carriers from both sea and air space of Latin America.

4. The Soviet Union reiterated its reservations as stated in its initial signature of Protocol II in May 1978. They reaffirmed their statements that transit of the zone would be incompatible with the Treaty and that the Soviet Union reserved the right to review its adherence under any of these circumstances. However, the Soviet Union also called for action by Argentina, Brazil and Chile to complete their adherence to Tlatelolco and emphasized the contribution of the NPT to the peaceful use of nuclear energy through international cooperation. They also stated policy similar to that of the US on preference for Tlatelolco parties. In discussions following the session, Soviet Delegate Shelepin reiterated the importance of adherence to the Treaty by Argentina, Chile and Brazil and of the possibility of our two countries working together not only to achieve this, but also to encourage NPT adherence and in the area of the Tlatelolco preference policy.

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<sup>2</sup> On April 24, Ambassador to Ecuador Raymond Gonzalez spoke to OPANAL. He said that the Treaty of Tlatelolco “represents a unique pledge by Latin American nations to forego the acquisition of nuclear weapons, and sets an example for all nations to follow in the pursuit of world peace.” President Carter, he noted, considered the Treaty “a particularly important component of world-wide efforts to inhibit nuclear proliferation, as well as a central measure to the maintenance of the security of the entire hemisphere.” (Telegram 2735 from Quito, April 26; National Archives, RG 59, Central Foreign Policy File, D790194–0426)

<sup>3</sup> During a state visit to Mexico, French President Valéry Giscard d’Estaing signed Protocol I of the Treaty of Tlatelolco. (Telegram 3926 from Mexico City, March 9; National Archives, RG 59, Central Foreign Policy File, D790107–0379)

5. In discussions with the Mexican Delegation, by far the largest and most influential, Mexican Delegates inquired about the status of the instrumented fuel rods, and whether the US was still waiting for a formal note from the Foreign Ministry. Would appreciate current status on these issues. ASAP.

**Gonzalez**

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**450. Telegram From the Embassy in Mexico to the Department of State<sup>1</sup>**

Mexico City, August 1, 1979, 2002Z

12955. Vienna for IAEA. Subject: Treaty of Tlatelolco/NPT Review Conference. Ref: (A) Mexico 8058 (Notal),<sup>2</sup> (B) Mexico 5103 (Notal).<sup>3</sup>

1. (C—Entire text.)

2. Summary: OPANAL SecGen foresees Brazilian final accession to Treaty of Tlatelolco, but believes that Cuba remains negative and Argentina's ratification continues in doubt. Latin American preparations for NPT Review Conference are at very preliminary stage. End summary.

3. Emboffs met July 31 with OPANAL SecGen Hector Gros Espiell for tour d'horizon. Regarding Treaty of Tlatelolco, Gros said that Brazilians are waiting for U.S. and France to complete ratification of Protocol I before depositing their own Treaty ratification. On Argentina, Gros said that ratification prospects remain discouraging despite past assurances that Argentina would move ahead. Gros asserted that Mexican FonSec Castaneda had recently urged ratification on Argentine

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D790352-0811. Confidential. Sent for information to Brasilia, Buenos Aires, Caracas, the U.S. Interests Section in Havana, Moscow, Vienna, and all U.S. Consulates in Mexico.

<sup>2</sup> Telegram 8058 from Mexico City, May 16, reported that Smith discussed INFCE, the "desirability of Mexican contribution to work on post-INFCE institutional arrangements, Pakistan, and U.S.-Mexican nuclear cooperation" with Roel and Gonzalez Galvez on May 14 and 15. (National Archives, RG 59, Central Foreign Policy File, D790225-0571)

<sup>3</sup> Telegram 5103 from Mexico City, March 28, reported that Gros Espiell expressed "surprise" that Castro Madero said that Argentina would not ratify the Treaty of Tlatelolco given that during his recent trip he "had been assured that ratification presented no problem for Argentina." (National Archives, RG 59, Central Foreign Policy File, D790146-0723)

Ambassador here—but efforts of GOM and OPANAL thus far have not been successful.

4. Gros opined that any renewed efforts to encourage Cuba to adhere to Treaty will probably have to await both completion of Latin American ratifications and “political changes” in Washington (that is, improved U.S.-Cuban relations). Gros confirmed earlier reports that Mexican President Lopez Portillo had raised Tlatelolco with Fidel Castro during latter’s May visit to Mexico. According to Gros, Castro was not receptive and Tlatelolco was omitted from Joint Communiqué at his insistence.

5. Regarding NPT Review Conference, Gros said that no reactions have yet been received to OPANAL’s solicitation of Latin American (LA) views. Gros said that LA representatives will probably meet in January or February to elaborate common position for Review Conference, including concrete suggestions for better implementation of NPT Article IV (peaceful nuclear cooperation) by nuclear-weapon states. Gros remarked that Soviet Ambassador is meeting with him this week because of Moscow’s concern that LA states might seek to denounce or undermine NPT at Review Conference—a concern Gros apparently does not share.

6. Turning to LA nuclear organizations, Gros said that he is considering seeking to work out an agreement between IANEC (the OAS Inter-American Nuclear Energy Commission) and OPANAL—whereby function of former would be limited to technical/scientific questions, while latter would have monopoly in political field. (Comment: Key GOM arms control figure Ambassador Sergio Gonzalez Galvez remarked to Gerard Smith in May that IANEC is excessively oriented toward Brazil, Argentina and Chile (see Ref A). Gros’ effort to work out agreement presumably parallels GOM’s effort to maintain primacy of OPANAL in LA nuclear affairs.)

7. On conventional arms control, Gros expressed pessimism over prospects for Mexican initiative—given unsettled LA political situation following Nicaragua.<sup>4</sup> (Drafted by Jon Glassman.)

**Lucey**

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<sup>4</sup> Reference is to the July 16 resignation of Nicaraguan President Anastasio Somoza Debayle and the assumption of power by the Sandinistas on July 19.

**451. Intelligence Cable**

IN 2896699A

Washington, August 7, 1979

[Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Lot 81D155, Box 9, Treaty of Tlateloloco—1979–1980. Secret. 5 pages not declassified.]

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**452. Memorandum from the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance<sup>1</sup>**

Washington, August 7, 1979

## SUBJECT

Canadian Heavy Water Technology to Argentina (C)

Canada's recent decision to transfer heavy water technology to Argentina without a requirement that the Argentine reprocessing program be deferred represents a serious defeat for the position we have consistently taken on this question.<sup>2</sup> The impact upon our more general position with respect to national reprocessing plants is likely to be magnified because Canada has been such a close partner with us in non-proliferation matters. (C)

It would be extremely difficult for the Canadian Government to reverse this decision, but there is a fall-back position they could adopt which would still maintain substantial control over reprocessing activities in Argentina. If Canada were to require an understanding that any heavy water produced in Argentina following the transfer would be presumed to be based upon Canadian technology, and that any special nuclear material irradiated through the use of such heavy water required prior Canadian consent before reprocessing, substantial control would be maintained while permitting Argentina the option of building its proposed facility. The Nuclear Non-Proliferation Act

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 8-12/79. Confidential. Copies were sent to Schlesinger and Seignious.

<sup>2</sup> Telegram 5842 from Buenos Aires, July 19, reported that press reports from the *Toronto Star* indicated that the Government of Canada had renewed its pledge to sell a nuclear reactor to Argentina as well as a heavy water plant "without additional clauses or safeguards." (National Archives, RG 59, Central Foreign Policy File, D790329-0999)

would require us to obtain such a provision if we were to make such a transfer, and we would not be asking Canada to do more than we would be required to do under our own legislation. The precedent involved would not affect future Canadian transfers of heavy water, only production technology. (C)

Unless you perceive substantial objections to such an approach, I suggest that you carry out a demarche<sup>3</sup> of this kind within the next week. The prospects for success may not be bright, but I believe we have an obligation to try. (C)

**Zbigniew Brzezinski**

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<sup>3</sup> Brzezinski wrote “\*” after the word “demarche” and wrote “With the Canadians wanting a visit from the President (who is concerned about this matter) it is a propitious” [the remainder of Brzezinski’s comment is missing in the original].

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**453. Telegram From the Department of State to the Embassies in Ecuador, Argentina, and Nicaragua<sup>1</sup>**

Washington, August 14, 1979, 2220Z

212082. Subject: The Secretary’s Meeting With Foreign Minister Pastor.

[Omitted here is discussion unrelated to the Treaty of Tlatelolco.]  
Treaty of Tlatelolco

The Secretary said that he had understood from the Foreign Minister’s predecessor that Argentina would move on Tlatelolco, and he asked about the status of it.

The Foreign Minister said he wanted to be frank. Argentina had various sources of energy, among them nuclear plants solely intended for peaceful ends, for the development of the country, and to complement the country’s hydroelectric capacity. Argentina had now reached the stage of being able fully to implement its energy plan. An obstacle to this is the strong pressure being applied with respect to safeguards. He believed the GOA’s point of view is a just one. If Argentina can

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D790369–1171. Confidential; Immediate; Exdis. Sent for information to all American Republic diplomatic posts. Drafted by Michael Adams (ARA/ERA); cleared by Pastor (NSC), L. Paul Bremer (S/S), and Robert Steven (S/S–O); and approved by Vaky (ARA).

complete its energy objectives it has no objection to full and complete safeguards. Argentina is fully determined to sign Tlatelolco but wants to be in a position to take a few steps to fulfill its energy plan. It hopes to finish negotiations for a heavy water plant in the next two months. Once these measures are achieved, Argentina plans adherence to the ban on biological warfare and to the Treaty of Tlatelolco.

The Secretary said he had not understood there were conditions in the previous Joint Communiqué.

The Foreign Minister noted that at the time the circumstances he referred to had not existed.

The Secretary again asked when Argentina could sign.

The Foreign Minister repeated this could be in a couple of months after Argentina has arranged purchase of the heavy water plant. The Secretary observed that he had not understood that Argentina was pressed on the matter such that it could not abide by the communiqué. He assumed Argentina's stated intention would be carried out as indicated in the communiqué. The Foreign Minister's response was the first indication of a different view prevailing in Argentina. President Videla had told President Carter that Argentina would ratify Tlatelolco and this was reflected in the communiqué.<sup>2</sup>

The Foreign Minister insisted the "central concept" had not changed; what was different were new circumstances which Argentina had to take into account before signing.

**Vance**

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<sup>2</sup> See Document 437.



**454. Memorandum From the Executive Secretary of the  
Department of State (Tarnoff) to the President's Assistant for  
National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, August 22, 1979

SUBJECT

Heavy Water Production Technology to Argentina

With reference to your August 7 memorandum to the Secretary<sup>2</sup> on Canada's recent decision not to go along with our request that it require Argentine deferral of reprocessing for the supply of heavy water production technology, we agree it is important to move ahead quickly to seek the strongest assurances the traffic will bear against possible misuse of the technology. We also agree that the Canadians would not likely reverse their decision and, therefore, that our approaches now should focus on other key elements on which we wish to see a common supplier position for supply of this technology.

We have already informed the Canadians, Germans, and Swiss that we attach considerable importance to continuing supplier discussions to ensure common supplier positions on measures in addition to requiring Argentine acceptance of NPT-type safeguards. We have also asked the Canadians whether they would require the reprocessing controls noted in your memorandum. We expect to discuss these matters in detail with the Canadians, Germans and Swiss later this week.

In our strategy for these follow-on discussions and demarches, we consider it important to emphasize those additional elements which are most realistically achievable recognizing that we have already spent considerable leverage and that our leverage among the three suppliers varies substantially. Their willingness to support stronger measures also varies substantially. As will be noted, we are particularly concerned that pressing the Canadians hard on reprocessing controls now could further drive the sale to the Swiss and Germans under less stringent controls and, thus, adversely affect US-Canadian relations without any non-proliferation gain. At the same time, we are concerned that pressing the Swiss and Germans hard on the matter would not only have very little chance of success but also diminish our chances of getting their agreement to key supplier controls.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Country File, Box 4, Argentina, 1/79–1/80. Confidential.

<sup>2</sup> See Document 452.

In this light, a prime goal of our approaches will be to ensure common interpretation of how the Nuclear Supplier Group (NSG) Guidelines are to be applied to protect against Argentina later building unsafeguarded facilities with the technology and without violating any agreement. As you know, the Guidelines entail bilateral requirements for safeguards as well as controls over retransfer of the technology or produced heavy water and controls on facilities produced through the technology. Although not explicit in the Guidelines, we will wish to ensure that the suppliers include a presumption that any facility built within at least 20 years and using the same type of technology will be considered as built with the transferred technology and subject to the same conditions.

There may well be differences among the three suppliers and ourselves over how the NSG Guidelines are to be carried out. However, we hope to be in a strong position in this regard since we will be working from the Guidelines to which we can expect suppliers to adhere. We consider common interpretation on these bilateral requirements very important. Such requirements provide a safety net against Argentine construction of an unsafeguarded reactor in the event Argentina were later to withdraw from a full-scope safeguards agreement. (Such agreements normally contain withdrawal clauses.)

We plan to focus our approaches as well on the importance of requiring a provision that safeguards be applied on Argentine heavy water plants and heavy water to protect against the scenario of possible diversion to clandestine reactors. The IAEA is still developing aspects of such safeguards, and we will need to continue to work with the IAEA and other concerned countries to develop the most promising safeguards approach.

In addition, we intend to continue to urge supplier agreement to seek Argentine adherence to the Treaty of Tlatelolco in connection with their negotiations for heavy water production technology. Argentina has declared its intention to ratify the treaty and its ratification would, of course, add further political and legal inhibitions to possible misuse later of this or other technology in the nuclear area. Also, Argentine adherence is a necessary step to the treaty's entering into force for Brazil and Chile.

This is not part of the NSG Guidelines, and other suppliers may well question whether this should be required in addition to Argentine acceptance of NPT-type safeguards. Also, the Argentines have made clear to us that they are not going to ratify Tlatelolco before they have concluded arrangements for the supply of heavy water production technology. We recognize that all the suppliers are not likely to require, and Argentina is thus unlikely to accept, Tlatelolco adherence as an absolute precondition for agreeing on heavy water production supply.

However, we believe we should continue to underline the importance of Tlatelolco adherence to the suppliers. Their pressing the point at all with Argentina could help assure favorable action by Argentina later on the treaty.

With respect to the reprocessing controls noted in your memorandum, as noted, we have already questioned the Canadians on this point and hope to get a readout from them later this week. If the Canadians were to include such a requirement in their proposal, we would be in a position to pursue it with the other suppliers. However, while we agree that this kind of control would be highly desirable, we do not believe that it is achievable. It would in effect grant the supplier of heavy water technology control over the reprocessing of essentially all nuclear fuel in Argentina, including fuel from the German reactor as well as indigenously supplied fuel in indigenously built reactors.

In the unlikely event that the Canadians were to agree to seek such a control, the Germans could and probably would argue that their commitment not to undercut the Canadians applied only to NPT-type safeguards and possible linkage to deferral of reprocessing, but not to this kind of extended “contamination.” It appears even more certain that the Swiss would not agree. Thus, the main result could well be to make the sale of heavy water production technology by the Germans and Swiss appear more attractive to the Argentines, thereby making us take the blame if the Canadians lose the sale (which appears probable). Such a result would seriously damage our relations with Canada without any non-proliferation benefit being achieved.

Finally, all three potential suppliers may view such a suggestion as going beyond the approaches we have been seeking thus far because of the extended contamination noted above. They are unlikely to be impressed with arguments based on our law which is, at any rate, ambiguous on this point. To make such controls a centerpiece of our next approaches, therefore, could well be at the cost of achieving some of the other highly important conditions outlined in this memorandum.

With these factors in mind, we believe our next steps should concentrate on those elements which have a realistic chance of being achieved not only with the Canadians but also with the Germans and Swiss. In view of the competition for supply of this technology, supplier agreement remains the key to securing additional assurances against its misuse.

**Peter Tarnoff**  
*Executive Secretary*<sup>3</sup>

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<sup>3</sup> Bremer signed the memorandum for Tarnoff.

**455. Telegram From the Embassy in Brazil to the Department of State<sup>1</sup>**

Brasilia, September 12, 1979, 1615Z

8069. Subject: Treaty of Tlatelolco. Ref State 225187.<sup>2</sup>

1. (C—Entire text)

2. In conversation with Brazilian Foreign Minister on September 11, I inquired whether statement by Foreign Ministry spokesman<sup>3</sup> on ratification by non-Latin American countries of protocols to Treaty implied that Brazil might be willing to waive Treaty into effect once that had happened. His reply was negative. He said that all requirements must be met before Brazil would consider Treaty in force with respect to Brazil. He ticked these requirements off and they included Cuban adherence. He smiled and said that once Soviet Union and other non-Latin countries adhere, Soviet Union might just tell Cuba to ratify also. He said that he was aware Cuba was using Guantanamo as bargaining chip. He offered no basis for his comment except the interest of the USSR in control of proliferation and strong influence of USSR on Cuba.

**Sayre**

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D790422-0125. Confidential. Sent for information to Buenos Aires and Moscow.

<sup>2</sup> In telegram 225187 to Brasilia, August 27, the Department of State said that given "recent movement on the Treaty by other countries" including the Soviet Union, the United States, and France, "Dept believes this may be a useful occasion to raise this issue in very low-key fashion with appropriate GOB officials to ascertain GOB position on this matter. At its discretion, Embassy is also authorized to encourage positive action by Brazil to waive conditions to have the Treaty enter into effect." (National Archives, RG 59, Central Foreign Policy Files, D790392-0974)

<sup>3</sup> Not found.

**456. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance<sup>1</sup>**

Washington, October 18, 1979

SUBJECT

Non-Proliferation—Argentina (U)

The President has asked that our concern about safeguard arrangements<sup>2</sup> in connection with the German and Swiss contracts to supply a reactor and a heavy water plant to Argentina be made public. In particular, he wants the public to be informed of the differences between those arrangements and the safeguard conditions sought by Canada. (C)

I would appreciate it if you would arrange for an early statement on this matter by the Department's spokesman, taking into account further diplomatic efforts we may contemplate to influence the safeguard conditions to be applied by Switzerland and the FRG. The text of the statement should be coordinated with Jerry Oplinger of the NSC staff. (C)

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 8–12/79. Confidential.

<sup>2</sup> Not found.

**457. Memorandum From the Executive Secretary of the Department of State (Tarnoff) to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, October 30, 1979

SUBJECT

Non-Proliferation: Proposed Public Statements on Swiss and FRG Contracts with Argentina

REF:

Your Memorandum to Secretary Vance of October 18, 1979<sup>2</sup>

We have carefully considered the action proposed in your memorandum of October 18 in the context of further diplomatic efforts we are contemplating to influence the safeguard conditions to be applied by Switzerland and the FRG to nuclear sales to Argentina. Our judgment is that we should hold off public statements until it is clear that our diplomatic efforts have been unsuccessful. We plan to undertake the following next steps:

—We will consult as called for by the London Suppliers Guidelines with Canada, the FRG, the Swiss and possibly the UK on the safeguard requirements. The FRG has already agreed in principle to such consultations. Gerard Smith, when he is in Bonn this week for post-INFCE discussions, will say to Genscher that we wish to consult with the above states on Argentina. We expect Genscher will assent to this. We will then contact the Swiss and other participants to arrange the consultations.

—In these consultations we will emphasize that Argentina is an exceptional case in order to avoid a debate about the merits of requiring full-scope safeguards on a generic basis: sensitive heavy water technology as well as reactor sales are involved; Argentina has split its order among a number of suppliers in part to avoid the full-scope safeguard requirement; and suppliers have a shared responsibility to prevent this "divide and conquer" strategy from succeeding.

—We are considering letters from the Secretary to Genscher and Swiss Foreign Minister Aubert to reinforce our concerns on this matter.

We believe our diplomatic efforts have some chance for success and would be endangered by going public now with our concerns. Upon Gerry Smith's return about November 8 we will assess whether

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 8-12/79. Confidential.

<sup>2</sup> See Document 456.

diplomatic efforts are still worth pursuing and how and when to make this matter public.<sup>3</sup>

**Peter Tarnoff**  
*Executive Secretary*

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<sup>3</sup> On November 5, Brzezinski replied “The President desires a public statement on this matter in the near future, focusing on the sensitivity of the Swiss heavy water technology transfer to Argentina and the differences between the safeguard requirements attached to that transfer and those sought by Canada. I would appreciate it if the State Department would release a factual and analytical public statement, cleared by the NSC staff, by November 9.” (Memorandum from Brzezinski to Vance, November 5; Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 8–12/79)

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**458. Memorandum From Jerry Oplinger of the National Security Council Staff to the President’s Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, November 20, 1979

SUBJECT

Argentine Safeguards: Hoist on our own Petard? (C)

Behind our last minute efforts to persuade the Swiss and Germans to impose full-scope safeguards on Argentina may lurk a nasty dilemma for the U.S. (S)

Unlike Canada, we do not normally require “NPT-type full-scope safeguards; we require “de facto full-scope.” The difference is simply that Canada requires an indefinite commitment to keep everything safeguarded in the *future*; we only require that everything in country *now* be under safeguards. The theory behind our looser requirement is that the recipient’s need for continued enriched fuel supply will normally deter subsequent acquisition on unsafeguarded facilities. (C)

But this theory breaks down in the Argentine case; their program is based on heavy water reactors which use unenriched fuel. They have their own uranium, and lack only the capability to produce heavy water in large quantities to reach potential independence from outside

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 8–12/79. Secret. Sent for information.

supply. The Swiss are now filling that gap. Unless they agree to the Canadian safeguards formula, the Argentines could build a complete fuel cycle in the future free of safeguards, and thumb their nose at outside suppliers. That is why in this particular case we have strongly backed the Canadian safeguards formula, and are pressing it on the Swiss and Germans. (S)

But we will probably fail. We will then face the safeguards question ourselves. We are negotiating to supply research reactor fuel to Argentina, and a U.S. firm has been awarded over \$55 million in key components for the German reactor sale itself. Will we insist on NPT-type safeguards, as we are telling the Swiss and Germans they should do (and lose the business), or will we ignore our own advice and revert to our normal *de facto* standard? (S)

There will be strong arguments for business as usual; we do not have the leverage to insist since the Argentines can go elsewhere. But we will be accused of applying a double standard, and the Canadians will be severely bent out of shape. In this case, I think we simply must practice what we have been preaching. (S)



**459. Telegram From the Embassy in Argentina to the Department of State<sup>1</sup>**

Buenos Aires, November 27, 1979, 2045Z

9680. New Delhi for Ambassador Smith. Subject: (S) US/Argentine Nuclear Consultations. Ref: (A) State 300937<sup>2</sup> (B) State 300663<sup>3</sup> (C) Buenos Aires 9557<sup>4</sup> (D) Buenos Aires 9590.<sup>5</sup>

1. (S—Entire text).

2. The Embassy strongly feels that a continuing nuclear relationship with Argentina is essential toward attaining US long-range goals for non-proliferation. By continuing active cooperation with Argentina, we will remain on the inside of nuclear policy-making and maintain direct knowledge of and some degree of influence over Argentine nuclear policy and programs. Without this continuing direct contact and cooperation, the US will be forced to depend on other countries in the future to assure Argentina's adherence to safeguards and other non-proliferation issues. We do not feel the US can depend fully, for ex-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D790546–0913. Secret; Immediate; Exdis. Sent for information to Bern, Bonn, Brasilia, New Delhi, and Ottawa.

<sup>2</sup> In telegram 300937 to Bern, November 20, the Department of State informed the Embassy that "It has been decided that we will not issue a public statement at this time concerning Swiss safeguard requirements for the sale of heavy water production technology to Argentina. Instead, we will continue our diplomatic efforts." (National Archives, RG 59, Central Foreign Policy Files, D790533–0780)

<sup>3</sup> In telegram 300663 to Buenos Aires, November 19, the Department instructed the Embassy to remind Argentine officials that "(A) Argentina is, of course, aware of US views regarding full-scope safeguards and ratification of Tlatelolco and nuclear cooperation with Argentina; (B) Argentina is also aware US has consulted with other potential suppliers about nuclear cooperation with Argentina and Argentine nuclear programs; and allegation that US has falsified or distorted any information on Argentine program is completely unfounded, and we have not distributed any fake photographs" of alleged Argentine nuclear reprocessing plants. (National Archives, RG 59, Central Foreign Policy Files, P840163–1510)

<sup>4</sup> Telegram 9557 from Buenos Aires, November 21, reported that while the Embassy had reiterated the points made in telegram 300633, Argentine officials worried "that the US has, in their opinion, imposed US national policies on Germany and Switzerland by pressuring them to demand an NPT-type FSS agreement before supplying nuclear technology or equipment, which goes beyond NSG guidelines. There seems to be a general feeling in Argentina that the US has a campaign against Argentina to deny nuclear technology, which has created a mutual distrust between the two countries and seems to be the core of the problem." (National Archives, RG 59, Central Foreign Policy Files, D790536–0785)

<sup>5</sup> Telegram 9590 from Buenos Aires, November 23, reported that "Embassy was pleased Department has decided not to issue a public statement at this time concerning Swiss safeguard requirements for HWT. This would have completely ruptured US/Argentine nuclear relations and would probably have a strong negative political impact as well." (National Archives, RG 59, Central Foreign Policy Files, D790540–0565)

ample, on Germany and/or Switzerland as agents through whom to carry out US nuclear policy, the US message for non-proliferation must be conveyed by the US itself where possible.

3. As mentioned in Reftel (C), we do not feel that Argentina should be written off from the standpoint of a US nuclear relationship or a continued US influence. The USA has many friends within top CNEA management and other GOA circles concerned with nuclear policy that respect US overall non-proliferation policies and US technologies. However, they are discouraged by what they feel is a US campaign to deny technology necessary to Argentina to develop its nuclear industry on an independent basis and become a nuclear supplier in South America.

4. As suggested in Reftel (A), embassy officers reiterated to GOA nuclear officials, including Jorge Coll and Abel Gonzalez, just last week that US nuclear policy has remained the same and our continuing consultations with other suppliers is based on our belief that worldwide application of international safeguards over all peaceful nuclear programs is a legitimate concern of the US as well as of all other countries. In addition, as mentioned in Reftel (C), we have reiterated the importance the US attaches to Argentina fulfilling its commitment to ratify Tlatelolco and to continue its negotiation with the IAEA for a FSS agreement and furthermore have emphasized that these actions would certainly enhance possibilities of expanded US/Argentine cooperation.

5. SciCouns is scheduled to meet again this week with CNEA safeguards committee to review US/Argentine relationship and discussions on latest Argentine policy on the ratification of Tlatelolco. In fact, we feel, as stated previously, the most effective and long-lasting way of obtaining a FSS agreement for Argentina is through ratification of Tlatelolco and an arrangement with Brazil to wave it into effect and follow up with a FSS agreement based on the Treaty.

6. A high-level visit to Argentina would give the impression of US interest and desire for continued cooperation and could be approached on a step-by-step basis beginning with an official note outlining US conditions for release of (1) three kilograms of depleted uranium for uranium plate fuel testing, and (2) ten kilograms of 20 percent enriched uranium for fuel plate fabrication, and (3) for provision of 20 percent enriched uranium for the RP-0 in Peru and RA-6 in Bariloche. The HEU for the RA-3 request could be handled separately since we understand now this fuel may not be needed until the end of 1980. The next step could be a high level visit to Argentina by Asst. Secy. Pickering and/or Amb. Smith. The specific objectives and benefits of such a visit are the following:

—Maintenance of an ongoing dialogue at a high level.

—Open and candid discussion of US/Argentine nuclear relationships and non-proliferation policy.

—Discussion of US/Argentine cooperation in lieu fuels for Argentine reactors.

—Discussion of expanded US cooperation and sales that could be facilitated by Argentine ratification of Tlatelolco and followed by a FSS agreement with the IAEA based on the Treaty. This arrangement could be discussed in context of Argentine/Brazilian cooperation and possibilities of waving Tlatelolco into force.

—Expanded cooperation could center around US assistance in development of Argentine research reactor program and certain fuel cycle technology and helping Argentina become a reliable nuclear supplier in Latin America. This assistance would include a US commitment for continued supply of 20 percent enriched uranium and cooperation with Argentina in nuclear assistance to third countries.

—Discussions on possibilities for an amended cooperation agreement that could include the above items and others such as (1) organized exchange of experts, (2) exchange of radiation safety information on a regular basis, and (3) credits for sales of US equipment and supplies.

7. We would not expect any miracles to emerge out of a visit of this sort; but CNEA leaders, particularly Castro Madero, Jorge Coll, Martinez Fabini, and Antonio Carrea would be highly receptive to talks on these subjects. As we have mentioned in the past, the Argentines at this point are primarily interested in a sympathetic US view of their nuclear programs and policies and would appreciate frank discussions on the whole range of issues. In the final analysis, the benefits would be continued cooperation, the opportunity for US direct influence in the Argentine nuclear policy, and perhaps persuasion toward a permanent international safeguard regime.

**Castro**

#### 460. Telegram From the Department of State to the Embassy in Australia<sup>1</sup>

Washington, November 29, 1979, 1059Z

307827. For Asst Secy Pickering. Following Repeat Bern 6724 Action State info Bonn Buenos Aires 27 Nov 79.

Qte. Bern 6724. Subj: US-Swiss Nuclear Supply Consultations. Ref: (A) Bern 6634<sup>2</sup> (B) State 300937.<sup>3</sup>

1. C—Entire text.

2. Summary: Amb Gerard Smith and party accompanied by Amb Vine met with Sec of State Weitnauer, legal advisor Bindschedler, and other Swiss officials morning of Nov 26. End summary.

[Omitted here is discussion unrelated to Argentina.]

7. Smith then turned to the problem of Argentina which, he said, could become another Pakistan unless it accepted a commitment to safeguard future facilities. There were hemispheric implications to which the US was keenly sensitive. Two years ago Argentina had assured the US they would ratify the Treaty of Tlatelolco, [*less than 1 line not declassified*] they may not intend to do this but rather intend to keep their weapon option open. Smith said that the President had a personal interest in this problem and had asked Smith to speak to the Swiss.<sup>4</sup> Given the propensity of the press in the US to discover and report on situations of this sort, Smith could not guarantee that the Argentina situation and US concern would not be dealt with in the American press. If so, the White House might have to take a position reflecting US-Swiss differences in approach.

8. Swiss side explained in detail the safeguards arrangements they had worked out, and emphasized that Switzerland had abided by all its NPT and NSG commitments in establishing safeguard and other controls on its supply of heavy water production technology. Switzerland believes one cannot ask for more than is required by Swiss obligations under international law. The Swiss could not accept as a given that Ar-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D790550-0428. Confidential; Exdis for Assistant Secretary Pickering. Drafted by Stephen V. Noble (OES); and approved by Lynn Turk (S/S-O).

<sup>2</sup> Telegram 6634 from Bern, November 21, informed the Department that "the decision not to issue public statement concerning Swiss safeguard requirements on supply of heavy water production plant to Argentina eliminates an almost certain drag on possible Swiss cooperation." (National Archives, RG 59, Central Foreign Policy Files, D790536-0418)

<sup>3</sup> See footnote 2, Document 459.

<sup>4</sup> Carter's request was not found.

gentina would not meet its commitments, and believed that their controls (which Bindschedler spelled out) excluded Argentina's capitalizing on Swiss technology to produce unsafeguarded special nuclear material. Swiss were strongly of the view that Argentina could build a heavy water plant itself, and thus escape all controls, if Switzerland went too far with its conditions. Weitnauer noted that if there is press discussion in the US on this point, Switzerland can regard itself on safe ground. He noted that the Swiss have done their "utmost."

9. Smith emphasized that the US was not suggesting an embargo on the sale of Swiss heavy water technology to Argentina. He urged that, as we work on development of a more comprehensive post-INFCE regime we not prejudice future negotiations by permitting Argentina to develop an unsafeguarded capability. He noted that Argentina is prepared to pay a half billion dollars more to buy reactors from the FRG in order to avoid the full-scope safeguard required by Canada for the same transaction. (Von Arx noted Argentines had experienced huge overrun in earlier Canadian reactor sale, and that this had been reason they gave little credence to low Canadian bid.)

10. Swiss pointed out that Pakistan is clearly a special case where there is near term danger. They do not see Argentina as in the same category. Von Arx indicated that Switzerland had urged Argentina to ratify the Treaty of Tlatelolco but does not believe it will do so until Cuba does and the US ratifies Protocol I. He noted that Argentina has expressed concern that supplementary inspection rights held by OPANAL could threaten commercial secrets. Van Doren later returned to this subject and urged that Swiss make clear that they are proceeding on the understanding that Argentines will fulfill their public and private commitments to ratify Tlatelolco and promptly complete the safeguards agreement called for on that Treaty.

[Omitted here is discussion unrelated to Argentina.]

12. Comment:

[Omitted here is discussion unrelated to Argentina.] As to renegotiating their exchange of letters with Argentina, Swiss appeared immovable. They do not share US assessment regarding Argentina's intentions and feel they have taken every step required of them to prevent misuse of technology they supply. But they did say they would continue to urge Tlatelolco ratification and would consult with FRG and compare notes on these respective safeguards approaches. They are, moreover, prepared to work with the US and others to develop a comprehensive system in which full-scope safeguards will be the future norm. Vine. unqte.

**461. Telegram From the Embassy in Brazil to the Department of State<sup>1</sup>**

Brasilia, December 10, 1979, 1600Z

10578. USIAEA. Subject: Status Report on Non-Proliferation: 1979, The Transition From Geisel to Figueiredo. Ref: (A) Brasilia 7869;<sup>2</sup> (B) Brasilia 8069;<sup>3</sup> (C) Brasilia 6944;<sup>4</sup> (D) Brasilia 9285;<sup>5</sup> (E) Brasilia 4687;<sup>6</sup>

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D790595-0619. Secret. Sent for information to the U.S. Interests Section in Baghdad, Bonn, Buenos Aires, Madrid, Mexico City, and Vienna.

<sup>2</sup> Telegram 7869 from Brasilia, September 5, reported that Hervasio de Carvalho, the Brazilian representative to the IAEA, said "that Brazil would not waive the entry-into-force requirements" of the Treaty of Tlateloloco. He also said "that the Treaty was designed as a whole and it would not make sense unless all Latin American countries adhered and unless the major powers accepted the protocols." (National Archives, RG 59, Central Foreign Policy Files, D790412-0684)

<sup>3</sup> See Document 455.

<sup>4</sup> Telegram 6944 from Brasilia, August 6, reported that during a July 25-28 visit to Caracas by Brazilian Foreign Minister Guerreiro, the Brazilian and Venezuelan governments "concluded a general agreement for cooperation in peaceful applications of nuclear energy. According to the GOB Foreign Ministry, cooperation is planned to be limited to personnel training in Brazil and uranium prospecting techniques and will not include technology transferred from the US or FRG." (National Archives, RG 59, Central Foreign Policy Files, D790357-1212)

<sup>5</sup> Telegram 9285 from Brasilia, October 22, informed the Department that "a Delegation of Brazilian nuclear specialists, headed by NUCLEBRAS President Paulo Nogueira Batista, visited Iraq in early October for further discussion of a possible nuclear agreement between the two countries." (National Archives, RG 59, Central Foreign Policy Files, D790488-0082)

<sup>6</sup> Telegram 4687 from Brasilia, May 25, relayed Brazilian press reports that "during the visit of the Iraqi Vice President a secret agreement was reached between Iraq and Brazil under which Iraq could obtain plutonium from Brazil." A spokesman from the Brazilian Foreign Minister "denied 'categorically' that Brazil had entered into a secret agreement and said that the report 'is entirely out of the question.' He stressed that Brazil does not have functioning nuclear reactors capable of producing plutonium, thus indicating that the transaction could not possibly be implemented." (National Archives, RG 59, Central Foreign Policy Files, D790258-0783)

(F) State 290745;<sup>7</sup> (G) Brasilia 9251;<sup>8</sup> (H) Brasilia 8791;<sup>9</sup> (I) Brasilia 10313;<sup>10</sup> (J) Brasilia 9281;<sup>11</sup> (K) Brasilia 9814.<sup>12</sup>

1. (S—Entire text).

2. Begin summary: The transition in 1979 from Geisel to the Figueiredo administration bought few major changes to Brazilian non-proliferation policies. The GOB continues to refuse to consider the NPT

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<sup>7</sup> Telegram 290745 to Brasilia, November 7, informed the Embassy that Carvalho told Pickering on October 24 that “there was pressure from those in the nuclear energy field in Brazil to terminate nuclear relations with the US altogether and give the business to URENCO or Brazil’s own enrichment plant when it came on stream, rather than renegotiate the US-Brazil agreement. Carvalho said that he wanted to continue cooperation with the US and wanted to find out what the US was willing to do to avoid a renegotiation and fulfill its supply commitment for Angra I.” Pickering said “we were not demanding renegotiation of the agreement but needed confirmation that all of Brazil’s nuclear activities were under safeguards.” (National Archives, RG 59, Central Foreign Policy Files, D790515–1126)

<sup>8</sup> Telegram 9251 from Brasilia, October 20, reported that a Foreign Ministry Energy official “denied a press report of Oct 13 that the GOB is planning to renounce its agreement with the US for cooperation in peaceful uses of atomic energy. He commented that the possibility had not even been raised.” (National Archives, RG 59, Central Foreign Policy Files, D790481–0646)

<sup>9</sup> Telegram 8791 from Brasilia, October 5, reported that the Brazilian Minister of Mines had “publicly stated October 1 that the Brazilian nuclear program with West Germany had slowed down and that the eight 1300–MWS originally envisaged under the accord would not be built until 1995 (when the accord expires). Even this estimate appears optimistic according to informed sources which indicate that present plans call for only four power plants to be built by 1995.” (National Archives, RG 59, Central Foreign Policy Files, D790460–0882)

<sup>10</sup> Telegram 10313 from Brasilia, November 28, reported numerous delays, rising cost estimates, and “an apparently unrealistic schedule calling for completion of the fuel cycle technology transfer by 1986 and for all nine reactors of the Brazilian nuclear program to be in operation by 1995 continues to be defended in public by the Minister of Mines and Energy, but statements and plans by other government officials and agencies do not support this.” (National Archives, RG 59, Central Foreign Policy Files, D790553–1042)

<sup>11</sup> Telegram 9281 from Brasilia, October 22, reported that according to press accounts, General Dirceu Coutinho, the former head of Nucleim, the uranium enrichment subsidiary of NUCLEBRAS, “urged that the Brazilian reactor construction program be suspended after three units presently contractor for, until nuclear power became economically competitive in Brazil and Brazil could develop a viable enrichment system.” (National Archives, RG 59, Central Foreign Policy Files, D790487–0329)

<sup>12</sup> Telegram 9814 from Brasilia, November 8, reported a member of the Argentine Embassy “confirmed press reports” that “Argentina and Brazil are negotiating agreement for peaceful nuclear cooperation.” Such cooperation would “cover uranium mining, training, long term research and industrial exchange,” including “one sensitive area: laser production of heavy water.” Representatives from both Argentina and Brazil “ruled out any military or PNE application.” The Embassy said “such bilateral cooperation would serve to improve capabilities and hence independence of both nations in nuclear technology. However cooperation could also serve to open each nation’s nuclear programs and to create trust between two potential nuclear rivals. Hence we support Embassy Buenos Aires’ assessment that nuclear cooperation between Brazil and Argentina is on balance in US interests.” (National Archives, RG 59, Central Foreign Policy Files, D790519–0839)

or to waive Tlatelolco into force. It also continues to foreswear any action contravening Tlatelolco's objectives and any intentions of developing a nuclear explosive device. The major new developments of non-proliferation concern in 1979 were: (a) a more active nuclear diplomacy, with GOB negotiating nuclear arrangements for cooperation in peaceful applications of nuclear energy with Argentina, Venezuela, and, of most concern, Iraq; and (b) a marked slow-down in the nuclear program undertaken with the West Germans. Of the factors causing the GOB to defer decisions to undertake costly new projects envisaged under FRG-GOB nuclear accord, the troubled economy stands out as the most important and the least susceptible to change. If the nuclear power development continues to drag, there will be correspondingly less incentive to expand future enrichment and reprocessing capabilities beyond the experimental stage. The U.S. continues to have little influence on GOB nuclear policies. Our early full adherence to the Tlatelolco protocols would be well received here. A clear message to the GOB restating U.S. requirements for continued cooperation—perhaps tied to Tlatelolco protocol adherence—might prepare the way for a resumption of a more active nuclear relationship. End summary.

[Omitted here is the body of the telegram.]

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#### **462. Telegram From the Embassy in the Federal Republic of Germany to the Department of State<sup>1</sup>**

Bonn, December 19, 1979, 1819Z

22524. For Deputy Secretary Christopher. Subject: FRG Sale of Nuclear Reactor to Argentina—Safeguards Issue. Ref: New Delhi 22430.<sup>2</sup>

1. (Secret—Entire text).

2. Action requested: See paragraph 13.

3. Summary: We are concerned that the safeguards negotiations for the sale of a nuclear reactor by the FRG to Argentina may result in something less than full-scope safeguards or their equivalent on Argen-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, P840133-2108. Secret; Nodis.

<sup>2</sup> Telegram 22430 from New Delhi, December 7, reported that the Federal Republic of Germany was "very disturbed" that the "US was not [not] picking and trying to dictate tactics and FRG resented this. If we kept it up it would not help cooperation." (National Archives, RG 59, Central Foreign Policy Files, D790569-0354)



tine facilities. This matter has the potential for developing into a problem in U.S.–FRG relations. I suggest you call in Ambassador Hermes for discussions on the Argentine deal. End summary.

4. As you know, the U.S. has been pushing very hard to get the FRG to require full-scope NPT-type safeguards (over all Argentine nuclear facilities) in its sale of a nuclear power plant (Atucha II) to Argentina.

5. This effort has been underway for some time. In addition to the demarchés by the Embassy, there have been several visits by Ambassador Gerard Smith and Assistant Secretary Tom Pickering and many by other representatives of the Department and of ACDA during which this subject has been discussed and the U.S. position reiterated.

6. The U.S. originally asked Canada, the FRG and Switzerland, who were bidders on the reactor and heavy water manufacturing plant, not only to require full-scope safeguards on the sale of both of these facilities but also to require Argentina to postpone indefinitely the reprocessing of nuclear fuel.

7. While the bidders were unwilling to tie reprocessing to these sales, the U.S. was given to understand that Canada and the FRG would require full-scope safeguards. Further, the FRG repeated many times that it would “not undercut” the Canadians by offering softer safeguards to Argentina.

8. Late last July, we heard a new theme from the FRG,<sup>3</sup> namely that it would require full-scope NPT-type safeguards if it sold both the reactor and the heavy water plant to Argentina, but if the order were split and the FRG sold only the reactor (which turned out to be the case), then Germany would consult with its partners (U.S., Canada and Switzerland) before defining the safeguards package to be offered to Argentina.

9. With this change in tone and the deviation from what we and the Canadians had been led to believe, namely that the FRG would adhere to the same position as Canada and require full-scope NPT-type safeguards in connection with even a reactor-only sale, both the U.S. and Canada initiated another series of demarchés.

10. We and Canadians were then told that the FRG would again approach Argentina and request full-scope NPT-type safeguards but if these were not accepted by Argentina, the FRG had developed a “pragmatic solution” to the problem which would avoid the objectionable (to Argentina) full-scope NPT-type safeguards terminology but would be a de facto equivalent. The FRG expressed confidence to Ambassador

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<sup>3</sup> Not found.

Smith and the Embassy that it could obtain Argentine agreement to the "pragmatic solution."

11. Now, in the cable received by the Embassy from Gerry Smith in New Delhi, reporting his conversation with State Secretary Haunschild (Reftel), it appears that the initial negotiating position of the FRG will not be to request full-scope safeguards, but rather will be the "pragmatic solution." Further, it appears, [1 line not declassified] that the opening negotiating position of Argentina will be much less than full-scope safeguards, or the pragmatic solution. In fact, it will be less than the nuclear suppliers' group guidelines. (We also have seen [1 line not declassified] despite assurances we have had to the contrary, Argentina has no intention of signing the Tlatelolco Treaty after completion of the deal with the FRG and Switzerland.)

12. If one assumes that in the course of negotiations some compromise is reached between the opening positions of the FRG and Argentina, the result clearly will be less than the full-scope safeguards we desire, and may well leave the door open for Argentina to pursue a nuclear option outside of international safeguards leading to nuclear weapons capability.

13. Action requested: In light of this very serious and possibly deteriorating safeguards position, I recommend that you call in Ambassador Hermes and inform him of the serious concern of the U.S. that the FRG may be heading for a compromise on safeguards which not only leaves the world vulnerable to the development of a nuclear weapons capability in Argentina but also can establish a very undesirable precedent at a time when we all are seeking stronger safeguards against proliferation.

14. I am concerned that this whole matter has the potential of developing into a problem of considerable import in U.S.-FRG relations. For this reason, in addition to proliferation considerations, I believe it would be desirable to discuss the situation frankly with Hermes (who was closely involved in the negotiations with Argentina in his previous position) to make sure that the FRG understands at a high level the risks of the course they apparently are contemplating.

**Stoessel**

**463. Memorandum from the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, January 4, 1980

## SUBJECT

Approval of Highly Enriched Uranium (HEU) Exports (U)

The attached package<sup>2</sup> from the NSC Ad Hoc Group on Non-Proliferation (which includes State, DoD, DoE, and ACDA) requests your approval of 7 export licenses for the shipment of HEU to Argentina, Belgium, West Germany, The Netherlands, Japan, France and Sweden. Of the 7 cases, 6 are non-controversial. (U)

The Argentine case, however, raises some significant policy problems. Argentina has requested 12 kgs of HEU to refuel the US-supplied RA-3 research reactor. Argentina has agreed in principle to a three-year cooperative program to convert the RA-3 for the use of 20% enriched fuel. Approval of the current request would keep the reactor operating during that period, and is therefore important to our objective of achieving conversion to safer fuels. (C)

This request must be considered, however, in the light of the transfer of heavy water production technology from Switzerland to Argentina. This transfer will close the last major gap in Argentina's fuel cycle, and give Argentina the potential ability to operate an unsafeguarded reprocessing plant in the future. Because of this, we have strongly and repeatedly urged the Swiss and Germans to use this opportunity to require Argentina to accept the more stringent Canadian safeguards standard, which goes beyond the normal requirement of other suppliers (including the US) by requiring full-scope safeguards on all *future* nuclear activities. Both Switzerland and the FRG have rejected this approach; the Germans have said they will try to achieve its "practical equivalent," but the prospects for success are poor. (C)

The Ad Hoc Group feels that despite the safeguards question, we should meet the Argentine request in order to preserve the opportunity to convert the reactor to lower-enriched fuel. While there is no contractual commitment to provide the HEU fuel, and no alternative supplier at this time, the Ad Hoc Group believes that this supply can be distinguished from the German/Swiss contracts as the continuation of an existing supply relationship rather than a major new commitment. (C)

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 1-4/80. Confidential. Sent for action. Carter initiated the upper right-hand corner of the memorandum.

<sup>2</sup> Not attached.

I believe that you should withhold approval of the Argentine request until the outcome of the current FRG/Argentine safeguards negotiations is known, for two reasons: (C)

—Approval now on lesser safeguards conditions than we have urged on the FRG could signal a softening of our position and affect the negotiations; (C)

—A final decision on continuing to supply HEU should take into account the specifics of the safeguards arrangements the FRG is able to negotiate. (C)

*RECOMMENDATIONS:*

1. That you approve Executive Branch recommendations to the NRC for the issuance of licenses for export of highly enriched uranium as described in the attachments, except for the Argentine request. (C)<sup>3</sup>

2. That you defer a decision on the Argentine request and ask that it be resubmitted with a new analysis and recommendations when the outcome of the FRG/Argentine safeguards negotiations is known. (C)

DEFER DECISION \_\_\_\_\_ APPROVE REQUEST \_\_\_\_\_<sup>4</sup>

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<sup>3</sup> Carter checked the "Approve" option and wrote "J" in the right-hand margin.

<sup>4</sup> Carter checked the "Approve Request" option and wrote "J" in the right-hand margin. Underneath the options line Carter wrote "ace to p. 2 of Ad Hoc memo J."

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**464. Telegram From the Embassy in Mexico to the Department of State<sup>1</sup>**

Mexico City, February 8, 1980, 2255Z

2240. Subject: Call for U.S. Ratification of Protocol One of Treaty of Tlatelolco.

1. (Confidential—Entire text.)

2. OPANAL Secretary-General Ambassador Hector Gros Espiell presented memorandum to us, February 7, calling for prompt U.S. ratification of Protocol One of Treaty of Tlatelolco. (Protocol One ap-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D800069-0006. Confidential; Priority. Sent for information to Paris, the U.S. Interests Section in Havana, and the Consulates in Guadalajara, Hermosillo, Monterrey, Tijuana, Ciudad Juarez (pouch), Matamoros (pouch), Mazatlan (pouch), Merida (pouch), and Nuevo Laredo (pouch).

plies Treaty's denuclearization provisions to territories for which signatories are *de jure* or *de facto* "internationally responsible" within the geographical zone of application of the Treaty. The United States signed Protocol One on May 26, 1977.)

3. Gros Espiell explained that the memorandum is worded somewhat peremptorily in hope that this will help U.S. process of ratification. He added that he will present a similar memorandum to the French next week urging Protocol One ratification to coincide with Mexican President Lopez Portillo's planned visit to Paris in May. In reviewing memorandum with Gros, we noted that USG fully supports Protocol One and that U.S. ratification is question of legislative tactics, not of executive intent. Informal translation of OPANAL memorandum follows.

4. Begin text. President Carter signed Additional Protocol One of the Treaty of Tlatelolco for the United States on May 26, 1977. This protocol was sent to the Senate for approval prior to ratification in May 1978. The Foreign Relations Committee began its analysis in public hearings that received wide journalistic coverage. After this preliminary analysis, as far as we know, it has not returned to be an object of consideration of the committee.

5. The General Conference of OPANAL in its sixth regular period of sessions approved Resolution 121(VI) adopted April 26, 1979, which says in this regard, "2. Calls on the Governments of the United States and France to proceed as soon as possible to the ratification of Additional Protocol One." The United Nations general assembly in its Resolution 33/58 adopted December 14, 1978 invited the United States of America, "... to make every effort to ratify as soon as possible Additional Protocol One of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco.)"

6. The absence of ratification of Additional Protocol One by the United States of America, almost three years after its signature, deeply preoccupies the Latin American State-parties to the Treaty of Tlatelolco. This absence of ratification would appear to demonstrate little interest in the question of military denuclearization of Latin America. Such an attitude on the part of the United States of America—in certain form incompatible with the repeated declarations of President Carter and Secretary of State Vance of full and total support for the Treaty of Tlatelolco—prejudices Latin American efforts to denuclearize the continent militarily and affects all policy regarding peaceful use of nuclear energy in Latin America, reducing the force of United States' efforts in this area and affecting negatively negotiations to obtain the signatures, ratifications, and waivers still lacking for the Treaty of Tlatelolco (Cuba, Guyana, Argentina, Brazil, and Chile.)

7. At a time in which the ratification of the SALT II Treaty has been indefinitely postponed,<sup>2</sup> it is extremely important that the United States not reduce its support, so often proclaimed and invoked, of the Treaty of Tlatelolco. And, today, the only formally effective way of undoubted transcendence of realistically manifesting this support is in the ratification of Additional Protocol One. All the credibility of United States policy on non-proliferation of nuclear weapons in Latin America is compromised, at the present time, if it does not proceed with urgency to ratify Additional Protocol One. End text.

8. Comment: While we believe the OPANAL memorandum is more a product of Ambassador Gros' own making than a reflection of a ground swell of opinion among Latin American States, the Ambassador's message provides food for thought. Gros indicated, incidentally, that he will be discussing with Mexican Foreign Secretary Castaneda next week (in addition to a possible reply to the U.S. statement on transit rights in connection with Soviet adherence to Tlatelolco Protocol Two)<sup>3</sup> the possibility of a multilateral approach to Cuba on Tlatelolco signature. The possibilities for such an approach, he said, appear heightened in the wake of Nicaraguan and Jamaican endorsement of Tlatelolco signature by all states of the region in joint communiqués with the GOM, January 24 and February 6 respectively. Gros added, however, that U.S. ratification of Protocol One would appear to be a political, albeit not a juridical, necessity in order to undertake such an approach to the Cubans.

9. Action requested: please inform us of the current status of Protocol One ratification and provide us with text of reply, if Department desires to make one, to OPANAL's memorandum. (Drafted: Jon D. Glassman)

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<sup>2</sup> On January 3, Carter requested that the Senate delay consideration of the SALT II treaty after the Soviet invasion of Afghanistan. (*Public Papers: Carter, 1980-81*, p. 12)

<sup>3</sup> Not found.

<sup>4</sup> On February 19, the Department of State replied that "it would prefer not to respond to OPANAL memorandum in writing. Please inform Gros Espiell that Department has received memorandum and will take appropriate opportunity to pass its substance informally to Senate Foreign Relations Committee, which as Gros Espiell is aware is considering ratification of Protocol." While the United States remained committed to Protocol I, it could not guarantee quick ratification given the "number of other treaties which would be ahead of Protocol I on the Senate Calendar." (Telegram 44793 to Mexico City, February 19; National Archives, RG 59, Central Foreign Policy Files, D800088-0296)

**465. Telegram From the Embassy in Mexico to the Department of State<sup>1</sup>**

Mexico City, March 15, 1980, 0047Z

4484. Department pass to American Republic Collective Vienna for USIAEA. Subject: Cuba Formally Declines to Adhere to Treaty of Tlatelolco.

1. (C) Summary: The Government of Cuba has formally requested that OPANAL—the executive organ of the Treaty of Tlatelolco—inform Latin American signatories of the Treaty that Cuba does not now find it possible to adhere to the Treaty (which requires formal renunciation of the nuclear weapons option.) The Cubans spell out conditions which would permit them to consider Treaty adherence. These conditions incorporate earlier Cuban stances, albeit stated in extremely broad and far-reaching terms: dissolution of bilateral and multilateral military and security treaties between the United States and the Latin American States, the “return of territory occupied by U.S. military bases” in Latin America and the dismantling of these bases, the termination of “militarist and aggressive” policies in Latin America made possible by the U.S. “colonial presence,” and the ending of threatening U.S. military maneuvers and efforts to create intervention forces in the hemisphere. End summary.

2. (C) The Cuban note, inexplicably dated December 29, 1979, was delivered to OPANAL by the Cuban Embassy in Mexico City in the second week of March. (OPANAL Secretary-General Ambassador Hector Gros Espiell believes that delivery of the note may have been held up as a result of the furor over the Soviet Afghan invasion.)<sup>2</sup> The Cubans request that the text of the note be circulated to all Treaty of Tlatelolco signatories. (Distribution will be made the week of March 17.)

3. (C) The Cuban note responds to the call by the OPANAL General Conference in Quito, April 14–17, 1979, for Cuban adherence to the Treaty of Tlatelolco. Ambassador Gros Espiell stated that, to his knowledge, the Cuban note constitutes the first instance in which Havana has formally communicated its conditions for adhering to the Tlatelolco Treaty. Given the far-reaching nature of Havana’s stated conditions, which go beyond anything that could reasonably be achieved even in the unlikely event of a U.S.-Cuban bilateral rapprochement, Amba-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy Files, D800132–0007. Confidential; Priority. Sent for information to the U.S. Interests Section in Havana, Moscow, the Mission in Geneva, Vienna, and all Consulates in Mexico.

<sup>2</sup> The Soviet Union invaded Afghanistan on December 25, 1979.

sador Gros opined that Cuba wished to send a clear message of intransigence to the other Latin American States. (Gros remarked on the interesting contrast between the tone of the Cuban note and Moscow's praise of the Treaty of Tlatelolco at the February Vienna INFCE review.)

[Omitted here is the body of the telegram.]

8. Comment: The Cuban note will certainly disappoint the GOM which is pressing for French notification of Tlatelolco Protocol One during President Lopez Portillo's visit to Paris in May and a Brazilian waiver to allow entry into force for that country during Lopez Portillo's scheduled July visit. The Soviet reaction is also of some interest since the Cuban note could be read as an implicit rebuke of Soviet signature and ratification of Tlatelolco Protocol II. In light of the Cuban note, we would expect that the GOM and other States of the region would become increasingly interested in the state of safeguard negotiations on the Soviet-supplied nuclear power plant being constructed near Cienfuegos, Cuba. (Drafted: Jon D. Glassman)

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#### 466. Memorandum of Conversation<sup>1</sup>

Buenos Aires, March 24, 1980, 3:30 p.m.

##### SUBJECT

Nuclear Consultations

##### PARTICIPANTS

Argentina—

Vice Admiral Carlos Castro Madero, President, CNEA

Dr. Antonio Carrea, Advisor to CNEA President

Dr. Hugo Erramuspe, Director of Research and Development, CNEA

Dr. Carlos A. Kroll, Coordinator of General Secretariat, CNEA

Dr. Jorge Martinez Fabini, Manager of Law Division, CNEA

Ing. Alejandro Placer, Advisor to CNEA President

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Lot 81D155, Box 14, Argentina, Jan–March 1980. Drafted by Clifton Metzner. The meeting took place at the Comisión Nacional de Energía Atómica (CNEA). Copies were sent to the Ambassador, the Deputy Chief of Mission, the Science Counselor, the Defense Attaché, the Bureau of Security Assistance, Science, and Technology, the Bureau of Inter-American Affairs, the Bureau of Oceans and Scientific and Environmental Affairs, and the Secretary.



U.S.—

Ambassador at Large Gerard C. Smith

Ambassador Raúl H. Castro

Maxwell Chaplin, DCM, AmEmbassy Buenos Aires

Claus W. Ruser, ECA Director

Allen W. Locke, Deputy Special Representative for Non-Proliferation Matters

Clifton G. Metzner, Jr., Science Counselor, AmEmbassy Buenos Aires

Admiral Castro Madero opened by welcoming Amb. Smith and his group and wished them a fruitful stay, adding that the Commission would do its best to make it so. Amb. Smith remarked that he was happy to be back in Argentina after his last trip in November, 1977, with Secretary of State Vance.<sup>2</sup> He said he was sorry that he could not attend the asado (barbecue) that was to be offered in his honor by Admiral Castro Madero on Thursday, March 27, but because of pressure of business he had to return to Washington on Wednesday, March 26.

Amb. Smith said he hoped safeguards would not become an issue for discussion since each party's position is already well known. He categorically denied that the U.S. had pressured or tried to block other countries' efforts to transfer technology or equipment to Argentina. He said that the U.S. positions on full-scope safeguards had been given to supplier countries. Far from blocking any exports to Argentina, the U.S. had sought to be of help by offering to make heavy water available.

Admiral Castro Madero mentioned there had been a number of comments in newspapers and other sources that the U.S. had pressured Switzerland and Germany to demand fullscope safeguards for the sales of equipment,<sup>3</sup> and several U.S. senators had tried to block these sales to Argentina. He added that this information was mostly gathered from the press, in the U.S. and Argentina. However, Castro Madero said he was pleased with Amb. Smith's remarks that the U.S. had not tried to block these sales.

Amb. Smith then discussed non-proliferation in broad terms and indicated political solutions would have to be reached on a worldwide as well as a regional basis. He cited the dangers of the India and Pakistan nuclear arms race. He asked if Argentina had any ideas to prevent this prospective proliferation. India had exploded a device in 1974 for "peaceful purposes". The Pakistanis now are reacting to that development. Pakistan is constructing a reprocessing plant (originally with French assistance) which has no commercial significance, which they claim is for peaceful purposes. Pakistan is also constructing a production size plant to enrich uranium. India has recently hinted that it may

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<sup>2</sup> See Document 426.

<sup>3</sup> See Charles A. Krause, "U.S. General Asks Argentine Aid on Embargo," *Washington Post*, January 25, 1980, p. A16.

have a need for nuclear weapons. What are the possible political solutions in South Asia? We (the U.S.) would welcome help in finding solutions.

Smith then called attention to the serious problems concerning Iran and terrorism and the possibility that plutonium in the future could get into the hands of terrorists when more countries are in a position to obtain plutonium.

Amb. Smith asked how Argentina, when it became a responsible world nuclear supplier, would condition its exports. Castro Madero remarked that the South Asian situation was certainly not equivalent to the South American position. He added that so far no country had developed nuclear weapons through a nuclear power program. This, he said, would not be the way to reach a weapons program. He added that Brazil and Argentina were in the process of reaching a nuclear agreement for cooperation which should alleviate fears of an arms race in South America. This, he said, naturally, is not a complete answer to the problem but global approaches are difficult to implement. He said the best guarantee for non-proliferation is through strong country alliances and cooperation. According to Castro Madero, denial of technologies to developing countries has been counter productive and has not been successful in preventing nuclear proliferation. Smith said that a denial policy alone could not hope to succeed. It must be accompanied by political initiatives.

Amb. Smith turned again to the Pakistan situation and indicated that Pakistan had centrifuges for enrichment of uranium and asked if in order to be a more reliable supplier (in the Argentine sense) the U.S. should sell Pakistan better centrifuges, thus enabling it to enrich more uranium for a nuclear bomb. These are the difficult issues driving U.S. export policies and non-proliferation. He questioned if Argentina were a major supplier in the world, would it sell reprocessing technology, for example, to any country that asked for it? What type of safeguards would they require.

Smith expressed a hope that U.S. export licensing procedures could be made more flexible. He said that regional and worldwide political solutions must be found for proliferation problems. The U.S. was certainly not pointing out Argentina as a special case.

Amb. Smith then moved to post-INFCE discussions and indicated he hopes the U.S. would take action to become a more reliable nuclear supplier, and to modernize present nuclear licensing procedures. He allowed that the INFCE studies will have to be analyzed, and it will have to be decided what should be done with the findings. Smith asked Castro Madero how the GOA felt in this regard. Castro Madero indicated that Argentina was in favor of the formation of a committee composed of interested countries to review the INFCE studies and establish

the terms of reference for approaches to the problems involved. The international plutonium study and spent fuel management were two important ones from the Argentine point of view. The Committee, he felt, should come directly under the IAEA Director General to give it more flexibility. Amb. Smith agreed that the working parties should report to the Director General.

Amb. Smith then asked Castro Madero what the results were of the Brazilian visit to Argentina. Castro Madero indicated this was a follow-up to his visit to Brazil in January and was to establish the guidelines for an overall agreement and define the areas of mutual interest for cooperation. Both countries, he said, were willing to sign this agreement. He said that Argentina had been interested in looking ahead in the distant future for a broader Latin American nuclear alliance, but this was not in the cards for the near future since most Latin American countries want to keep their freedom of action. He hoped that the Argentine/Brazilian accord could be a catalyst for the beginning of a political solution in this area.

Amb. Smith then referred to information he had received that Cuba would not be interested in signing or ratifying the Treaty of Tlatelolco. He said that the primary reason given by the Cubans was the U.S. must first dissolve its bilateral and multilateral arms agreements in South America and, particularly, remove the Guantánamo base from Cuba. Castro Madero said he did not have any information on this subject.

The discussion then turned to bilateral affairs, and Amb. Smith mentioned the supply agreement between Peru, the U.S., Argentina, and the IAEA for the provision of enriched uranium for the Peruvian reactor. He also referred to a 10 MW research reactor Argentina was constructing for the Peruvian program and asked with what other countries Argentina may be developing supply cooperation. Castro Madero said that Bolivia and Uruguay both are interested in research reactors and that the enriched uranium would have to come from the U.S. He pointed out the U.S. was restricting the export of enriched uranium to Argentina for the Peruvian reactor and other requests, which would curtail their program to develop their own low enriched fuel fabrication plans. He said Argentina had furnished an official commitment to the U.S. last September that all facilities were under safeguards. Nonetheless, this apparently was not acceptable, and the U.S. has now asked for additional requirements for safeguards over all nuclear activities which go beyond the original agreements. At that point, Dr. Antonio Carrea indicated it would be very difficult to furnish the U.S. with a confirmation that all facilities and materials are under safeguards every one, two, or three months during the time each export order would be pending before the Nuclear Regulatory Commission.

The Argentines said in any event they could not act on the latest U.S. suggestion since it had not been formally communicated to them. Mr. Locke explained that the reason the U.S. requested the 90-day notification was to cover the period the NRC and other U.S. agencies were making their reviews. In any event, it was agreed that some solution could be found. This problem could be discussed further to determine what arrangement could be worked out agreeable to both parties. Amb. Smith said we understand what the problem was, and hoped a solution can be found. At this point the meeting was ended.

After the meeting, Mr. Placer, CNEA Safeguards Chief, mentioned to the Science Counselor that the problem of exchange of notes and 90-day notification on pending uranium exports was really not the major problem, but that the deletion of the wording in the note referring to deuterium not supplied by the U.S. is more important and would have to be resolved before an agreement could be reached.<sup>4</sup>

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<sup>4</sup> Telegram 2604 from Buenos Aires, March 26, reported Smith's impression of his visit. "Conditions for our visit," the Ambassador said, "were not auspicious" given that Castro Madero was in Moscow "at the Soviets' invitation" while a "high-level German Delegation" was in Buenos Aires "to complete negotiations for the Atucha II reactor." Smith noted that in his talks with Videla and other Argentine officials, "we stressed the seriousness with which we view the international situation, that there will be no 'lurch towards détente,' and our aim to strengthen relations with Argentina." Nevertheless, Smith said "There was no encouragement during my talks that Argentina will ratify Tlatelolco any time soon; on full-scope safeguards we agreed to disagree. Argentina's nuclear program is well advanced and will move ahead under able leadership. Our central objective must be to prevent the emergence of a nuclear arms race in the hemisphere." (Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina: 1-4/80)

**467. Telegram From the Department of State to the Embassy in the Federal Republic of Germany<sup>1</sup>**

Washington, March 26, 1980, 1459Z

79756. Subject: Vance/Genscher Letter on Argentine Supply.

1. Entire text confidential.

2. We continue to believe that it is extremely important that the FRG not relax its safeguards conditions for nuclear supply to Argentina. The failure, thus far, of the FRG and Argentina to reach agreement on safeguards has increased pressure within the FRG for such relaxation, and we understand a decision was made at a meeting of the Nuclear Cabinet to go ahead with the reactor sale to Argentina, trying to obtain the best safeguards conditions possible. Accordingly, the Ambassador is requested to call on Genscher as soon as possible and deliver the following letter from the Secretary:

3. Quote: Dear Hans-Dietrich: I am writing you about our common goal of limiting the risk of nuclear weapons proliferation which remains an objective of transcendent importance. Since we last discussed this issue it has been the subject of continuing contact between our two governments, and I wish to underline my support for the strong position which I understand your negotiators have been taking in their discussions with the government of Argentina.

However, I must tell you quite frankly that I am concerned over the information which Ambassador Hermes gave Ambassador Smith March 19<sup>2</sup> regarding the decision by the Nuclear Cabinet to weaken your position. Let me stress my conviction that your posture on safeguards conditions should remain firm. We believe that a policy of patient firmness is correct, realistic and in our common non-proliferation interest.

I am asking Ambassador Stoessel to deliver this letter personally and to stress our desire to cooperate with you in this effort. We will also

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D800153–0662. Confidential; Immediate. Sent for information Priority to Bern, Buenos Aires, and Ottawa. Drafted by Anne Stefanos (OES/NET/NEP) and Erwin Von Den Steinen (EUR/CE); cleared by Pickering (OES), Allen Locke (S/AS), William Salmon (T), George Suchan (PM/NPP), Charles Van Doren (ACDA/NP), L. Paul Bremer (S/S), Ronald Bettauer (L), George Jones (ARA), Robert Galluci (S/P), John Whitman (ARA/ECA), and Ward Barmon (EUR/RPE); and approved by Vance. Stoessel delivered the letter on March 28. (Telegram 6079 from Bonn, March 28; National Archives, RG 59, Central Foreign Policy File, D800157–0130)

<sup>2</sup> The information Hermes provided Smith is in telegram 75515 to Bonn, March 21. (National Archives, RG 59, Central Foreign Policy File, D800145–0474)

keep you informed about our discussions on nuclear matters with the government of Argentina. Sincerely. Cyrus Vance. Unquote.

4. In delivering this letter, Ambassador is requested to make following points:

—I know you are aware of our concern about FRG requirements for nuclear supply to Argentina. We have not raised this concern recently at a high level while your negotiators have been discussing the matter with GOA officials. Naturally, we are anxious to learn as soon as possible of any Argentine response to your proposal, which we were gratified to learn, included the issue of Argentine adherence to the Treaty of Tlatelolco.

—The Secretary also has written to Federal Councillor Aubert on this subject.<sup>3</sup> Although we have had no formal reply to the letter, we understand that Sulzer signed a contract with the Argentines on March 14.

—In light of the Swiss decision, it is all the more important that the FRG holds to the strongest possible safeguard conditions.

—I understand that the FRG Nuclear Cabinet met last week and decided to continue nuclear negotiations with Argentina, during which it would seek the best possible safeguards conditions. (FYI: FRG Ambassador Hermes called Ambassador Smith March 19 to report this. In subsequent conversation with Department officer, FRG Embassy Science Counselor refused to go beyond Hermes' report, other than to say that no deviation from position expressed by Lambsdorf to Smith February 15 was intended.<sup>4</sup> Department assumes FRG position to be that expressed by Lambsdorff, i.e., that FRG has resolved to complete reactor sale and will settle for best safeguards conditions obtainable. End FYI.)

—In addition, Ambassador Gerard Smith will be visiting Buenos Aires March 24–25. He will be discussing a range of subjects, following up on General Goodpaster's earlier visit. He does not intend to discuss the subject of Argentina's negotiations with other nuclear suppliers. We wish to assure your government the US will insist that Argentina confirm that all of its facilities are safeguarded as a condition of any nuclear supply from the United States. As mentioned in Secretary Vance's letter, we will continue to provide you additional details concerning our position through your Embassy in Washington.

**Vance**

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<sup>3</sup> Vance's letter to Aubert is in telegram 45004 to Bern, February 20. (National Archives, RG 59, Central Foreign Policy File, D800088–0863)

<sup>4</sup> Not found.

#### 468. Minutes of a Policy Review Committee Meeting<sup>1</sup>

Washington, May 14, 1980, 10:30–11:15 a.m.

##### SUBJECT

Minutes—PRC Meeting on Argentina (C)

##### PARTICIPANTS

###### *State*

Warren Christopher, Dep.

Secretary

John Bushnell, Dep. Ass't.

Secretary

###### *Defense*

W. Graham Clayton, Jr., Dep.

Secretary

Frank Kramer, Principal Dep.

Ass't. Secretary

###### *Agriculture*

James Starkey, Dep. Under

Secretary

###### *Commerce*

Luther Hodges, Dep. Secretary

Abraham Katz, Ass't. Secretary  
for Internat. Economic Policy  
and Research

###### *Energy*

Woody Cunningham, Ass't.

Secretary for Nuclear Energy

###### *Arms Control and Disarmament*

Spurgeon Keeny, Dep. Director

Richard Williamson, Nuclear

Exports Div. Chief, Bureau of  
Nonproliferation

###### *Joint Chiefs of Staff*

Lt. General John Pustay

###### *Central Intelligence*

Jack Davis, NIO for Latin America

###### *White House*

David Aaron

Henry Owen

###### *National Security Council*

Thomas P. Thornton

Robert Pastor

*Bushnell* began the meeting by discussing Argentinian relations with the Soviet Union. He pointed out that the current government is unlikely to get close to the Soviets and this provides a certain implicit limitation on the process of Soviet/Argentinian ties. The Argentine Government is playing a short-term game in the grain, trade and perhaps nuclear area.

[Omitted here is discussion unrelated to non-proliferation.]

*Keeny*, discussing nuclear matters, said it is not clear what the options are. The Soviets are interested in some nuclear cooperation with

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, Brzezinski Office File, Country Chron, Box 3, Argentina 1979–1980. Secret. Sent for information. The meeting took place in the White House Situation Room.

the Argentinians but there has been minimal activity to date.<sup>2</sup> Thus there does not seem much to preempt there. Our own relations with Argentina are another question. We do not want to (indeed legally we cannot) expand these relations unless they accept full-scope safeguards and ratify the Tlatelolco Treaty. We do have some flexibility though on whether we should continue to cooperate in marginal ways within the law. The question is whether we are willing to supply things that at some future date might be related to a nuclear weapons program.

*Bushnell* said there is no problem because what we are supplying is for their research program. The issue is whether we want to break a nuclear dialogue with them completely and perhaps turn them to the Soviets. He hopes that we might be able to make greater progress next year when there will be a new administration and leadership on nuclear matters. Thus he asked, should we break the dialogue now or continue to do "minor" things.

*Keeny* said it depended on which items were involved.

*Claytor* said that the nuclear non-proliferation policy is bankrupt in general and that we should do absolutely everything we can under the law to cooperate with Argentina.

*Keeny* inquired whether that would include the provision of tritium. Perhaps the only thing the Argentinians want are things that cause no problem for us. We should look at the specifics.

*Christopher* pointed out that the President has certainly not abandoned the nuclear non-proliferation policy.

*Claytor* countered that the policy had been ineffective and that the Soviets are always ready to jump in where we are unable to extend cooperation.

*Bushnell* observed that there were very few license requests pending from the Argentinians and there probably would be no problem over the next six months or so.

*Christopher*, returning to the general topic, said he believed that the group should support the middle option. We should give due weight to positive trends in the human rights area but should not try to repeal

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<sup>2</sup> On April 17, INR reported that "US countermeasures in the wake of Afghanistan have stimulated further Soviet efforts to exploit Argentine policy differences with the US, particularly in the commercial area." INR further noted that Castro Madero had "announced that excellent results had been achieved at Argentine-USSR nuclear talks held in Moscow in late March to explore the possibilities of nuclear cooperation. The Soviets, according to one CNEA official, said that if US-Argentine negotiations for enriched uranium were not successful, the USSR would meet Argentina's enriched uranium requirements. Possible Soviet supply of heavy water and heavy water technology may have been discussed, although Soviet officials have privately reiterated to us Moscow's opposition to such transfers." (Bureau of Intelligence and Research—Analysis: April 17; *Ibid.*)



the Humphrey-Kennedy Amendment<sup>3</sup> at this time since that would be impossible with the present Congress and politically unwise. This Option B needs fine tuning from the Interdepartmental Group; what we should do in the coming months is to warm up our relationship with Argentina. Perhaps in 1981 we will be able to have an initiative on the military side, including training at least.

*Hodges* said he was encouraged by Christopher's summation, for the trends in human rights are important. The Commerce Department also supports Option B.

*Aaron* said that we needed a specific program to improve our relations. The options as stated in the paper are too static. Our goals should be first, to maintain a nuclear relationship that will result in Argentine accession to the Tlatelolco Treaty; secondly, a commercial policy that makes clear that we want the hydroelectric contract and will pursue it; third, there is no possibility of changing the military legislation now; fourth, there is a major OAS vote coming up and how we react will be a signal to them. We should relate that to the policy issues. Overall, we should have a tone that rests somewhere between Options B and C, leaving out for the time being any change in our military supply policy. The Inter-departmental Group should set up an 18-month program with benchmarks for our progress and for Argentine performance.

At the same time *Aaron* noted that there is no reason to improve relations dramatically with Argentina now directly after they have stuck their finger in our eye on the grain issue. We should make clear our irritation with them at this time and then pick up the pieces with a new administration when it comes into office. We will not be able to get very far with Videla. We should take the opportunity of the new administration, however, for turning a new page. If we move to improve our relations with them now we will simply not have the respect of the Argentinians.

*Claytor* said that he saw Option C as the desirable goal, less the repeal of the Humphrey-Kennedy Amendment which would be impossible. We should do all that we can with the Argentine military to restore relations between our two armed services. At the moment we are driving them to the Soviets. The Soviets are our greatest global problem and we are simply letting small things interfere with our dealing with this problem.

[Omitted here is discussion unrelated to non-proliferation.]

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<sup>3</sup> The Humphrey-Kennedy Amendment to the 1976 Foreign Assistance Act prohibited the supply of U.S. military equipment to Argentina and Chile after October 1, 1978.

**469. Telegram From the Embassy in Argentina to the Department of State<sup>1</sup>**

Buenos Aires, August 18, 1980, 1732Z

6609. Subject: (S) Possible Argentine Ratification of Tlatelolco.

1. S—Entire text.

2. During an informal conversation with a member of President Videla's staff, I asked about recent Argentine press reports that the GOA is studying the ratification of Tlatelolco. The official said that the study was in fact completed and was now in the Presidency. We discussed at some length the specifics of the bureaucratic process the study had run through. With some apparent hesitation at his indiscretion, the official ventured the assessment that Videla would decide to proceed with the ratification. Ratification could not, of course, take place if perceived by the Argentine public as occurring in response to US pressure. For this reason, the step had not been seriously considered while Argentina was still negotiating the reactor/heavy water plant purchases with the FRG and GOS. One of the suggestions as to what a possible high-level Argentine emissary to Washington might do had been to let him carry the news of an affirmative decision.

3. Comment: The source was not clear about the timing of the decision and its announcement. Presumably, if taken at all, President Videla would wish to do this before leaving office. (It is also interesting to note that the study is ready for decision just before President Videla's visit to Brazil.) The discussion also left unclear what pressures opponents of an affirmative decision might still bring to bear in these final stages of the review process, which falls into the period in which the three armed forces must make a final determination of the next President. A number of variables evidently will go into this final decision, among them (to an unknown degree) the evolution of US-Argentine relations over the next six months, both tone and substance. As to the existence of the study, I have no doubt. This is the second time the study has been mentioned in confidence by a high Argentine official, several months apart and under different circumstances. I see no reason to question their veracity at this juncture.

**Ruser**

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Lot 81D155, Box 9, Treaty of Tlateloloco—1979–1980. Secret; Immediate; Nodis.

**470. Memorandum from the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, September 10, 1980

**SUBJECT**

Nuclear Export to Argentina (C)

The attached memorandum (Tab A)<sup>2</sup> requests your decision on the conditions under which the Executive Branch should recommend that the NRC approve an export license for a major component for the Atucha II reactor in Argentina. The US company may lose the contract by default unless we inform Argentina that we are prepared to make a favorable recommendation within the next week or so. (C)

The decision is being put to you because agencies are divided on the conditions under which we should recommend NRC approval of this export. State, DoE, Commerce and DoD believe that we should settle for the minimum requirements of the Nuclear Non-Proliferation Act for components of this kind: i.e., (1) IAEA safeguards on the export itself, (2) a no-explosive use pledge, and (3) a US veto on any retransfer. ACDA believes that we should in this case go beyond the minimum legal requirements and insist upon Argentine progress toward ratification of the Treaty of Tlatelolco and/or toward NPT-type full-scope safeguards. (C)

The ACDA recommendation would be consistent with our past position on exports to Argentina. Atucha II was part of the Swiss/German deal last year whose safeguard conditions were of great concern to us. In that case, we made strenuous but unsuccessful efforts to maintain a common supplier front insisting upon NPT-type safeguards, which are not required by US law. All agencies are agreed that we should insist upon this level of safeguards, even though not required by law, for a complete reactor or a component such as a pressure vessel. Thus ACDA argues that our general policy goes beyond the minimum legal requirements, that this is entirely appropriate for Argentina, and that we should stick with it. (C)

The majority opinion is based on the view that this component does not constitute sufficient leverage to move the Argentines on safe-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, North/South, Pastor Country File, Box 1, Argentina, 6–11/80. Confidential. Sent for action. Carter initialed the upper right corner of the memorandum.

<sup>2</sup> Attached but not printed is an undated memorandum from the NSC Ad Hoc Group on Non-Proliferation to Carter outlining the options, which was attached to a September 4 cover memorandum from Tarnoff to Brzezinski.

guards, and that the net impact of refusal on our non-proliferation objectives would be negative. (C)

On balance, I support the majority position favoring approval of the sale. It is a very close call, however, and should the NRC refuse to go along, you would have to send the case to Congress. You do not need another Tarapur. State is fairly optimistic on the NRC, and our own checks suggest that the Commissioners will not object *provided* that the three legal requirements are met squarely and unambiguously. But there are serious reservations in NRC about adequacy of formulations on these points negotiated with Argentina in the past and State has suggested that “indirect” assurances may be all the Argentine traffic will bear. If you approve the sale, I would suggest that your approval be subject to the negotiation of clear and unambiguous Argentine assurances, and that the bureaucracy be admonished that similar future exports should be subject to political review at the Departmental level. (C)

RECOMMENDATION:

- Option 1: That we recommend NRC approval of the export, subject to the assurances required by Section 109(b) and other applicable provisions of the Atomic Energy Act. (Recommended by State, Commerce, Energy and Defense.) (C)<sup>3</sup>
- NSC concurs but believes that approval should be conditioned upon the receipt of *direct* and *unambiguous* Argentine assurances. (C)<sup>4</sup>
- Option 2: That we defer action on this and similar exports pending some Argentine progress on ratification of the Treaty of Tlatelolco and/or progress toward acceptance of NPT-type full-scope safeguards as outlined above. (Recommended by ACDA.) (C)

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<sup>3</sup> Carter checked the “Approve” option.

<sup>4</sup> Carter checked the “Approve” option and wrote “J” in the right-hand margin.

# The United Nations Special Session on Disarmament

## 471. Telegram From the Department of State to All North Atlantic Treaty Organization Capitals<sup>1</sup>

Washington, February 5, 1977, 2312Z

26795. Subject: UN Special Session on Disarmament.

1. Begin summary: The 31st United Nations General Assembly (UNGA) adopted a resolution calling for a Special Session of the General Assembly devoted to disarmament (SSOD) to be held in 1978;<sup>2</sup> SSOD Preparatory Conferences (PrepCons) are scheduled for March, May and September, 1977. We have concluded that US interests would best be served tactically by adopting a positive posture towards the SSOD and plan to participate constructively in the SSOD PrepCons.

2. This message (A) provides background information on the SSOD and (B) solicits reporting from addressees in order to identify those issues which we might want to examine more closely prior to and during the upcoming SSOD Preparatory Conferences.

3. We believe that action addressees (except India, Sri Lanka, and Yugoslavia, see para 11 B and C), which include the NATO allies, are likely to share many of our interests. We would anticipate a greater divergence of views on disarmament issues between US and most info addressees. At the discretion of each Embassy, action addressees may take soundings of host governments on their views regarding the SSOD PrepCons and the SSOD itself. While no approach to host governments should be made at this time by info addressees, the Depart-

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770042-0647. Confidential. Sent also to USUN, USNATO, Canberra, Vienna, Madrid, Stockholm, Tehran, Tokyo, Kuala Lumpur, Manila, Cairo, Monrovia, Rabat, Kinshasa, Buenos Aires, Nassau, Brasilia, Bogota, Caracas, New Delhi, Colombo, and Belgrade. Sent for information to Dacca, the Interests Section in Baghdad, Kathmandu, Algiers, Cotonou, Bujumbura, Tripoli, Port Louis, Lagos, Khartoum, Tunis, Lusaka, Sofia, Berlin, Budapest, Warsaw, Bucharest, Moscow, Prague, Georgetown, Mexico, Panama, Lima, the Mission to the IAEA, Islamabad, and Addis Ababa, and the Mission in Geneva. Drafted by David Macuk (IO/UNP); cleared by Gerald Helman (IO/UNP), William Stearman (ACDA), Bartholomew, Thomas Hirschfeld (S/P), Martin Goldstein (DOD/ISA), Allen Holmes (EUR/RPM), Wesley Kriebel (IO/ML), Jon Glassman (EUR/SOV), Stephanie Perry (NEA/RA), Louise McNutt (EA/RA), John Whiting (AF/RA), John King (ARA/RRP), Jack, Seymour (EUR/EE), and Robert Homme (EUR/RPE); and approved by Donald Toussaint (IO).

<sup>2</sup> "General Assembly 31/189: General and Complete Disarmament," December 21, 1976, in *Documents on Disarmament, 1976*, pp. 945-952.

ment would appreciate post's analysis of host country outlook on SSOD and possible means of dealing with it. End summary.

4. Background: Dissatisfaction with the slow progress on multilateral disarmament issues among many of the states not aligned with the US or the Soviets has resulted in pressures for giving greater momentum to disarmament through a meeting in which all states could participate. In August, 1976, the Conference of Heads of States of Governments of Non-Aligned Countries, held in Colombo, discussed the issue in its political declaration and adopted a resolution calling on the UN to convene a Special Session of the GA to review the problem of disarmament and to promote a program of priorities and measures in the disarmament field.<sup>3</sup>

5. On December 14, 1976,<sup>4</sup> the 31st UNGA adopted by consensus a resolution calling for a Special Session of the General Assembly devoted to disarmament to be held in New York in May-June, 1978. The resolution established a Preparatory Committee (PrepCom) with the mandate of examining all relevant questions relating to the Special Session. The PrepCom is scheduled to meet at UN Headquarters, New York, March 7-11, May 9-20, and September 6-9, 1977. March conference will be organizational in nature and deal with procedural issues; May conference will develop the SSOD agenda; the September preparatory conference will prepare the draft of SSOD resolution for presentation to the 32nd General Assembly.

6. Member states have been asked to submit country views on the SSOD to SYG Waldheim by April 15, 1977.

7. Members of the PrepCom are:

- Western European and others: US, UK, France, Australia, Austria, Belgium, Canada, FRG, Italy, Norway, Spain, Sweden, Turkey;
- Asian: Bangladesh, Cyprus, India, Iran, Iraq, Japan, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka;
- African: Algeria, Benin, Burundi, Egypt, Ethiopia, Liberia, Libya, Mauritius, Morocco, Nigeria, Sudan, Tunisia, Zaire, Zambia;
- East European: (proposed) Bulgaria, GDR, Hungary, Poland, Romania, USSR, Yugoslavia, Czechoslovakia;
- Latin: Argentina, Bahamas, Brazil, Colombia, Cuba, Guyana, Mexico, Panama, Peru, Venezuela.

8. US attitude: In the past we have opposed proposals for an SSOD. We were skeptical that an SSOD could have any meaningful results, arguing that it would invite rhetorical posturing and unrealistic disarmament proposals, intrude on the activities of the CCD, and inject extra-

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<sup>3</sup> "Resolution of the Fifth Conference of Heads of State or Government of Non-Aligned Countries: Disarmament, August 19, 1976," is *ibid.*, pp. 566-567.

<sup>4</sup> The date in the telegram is in error; the Resolution is actually dated December 21.

neous complications into negotiations such as MBFR and SALT. While these potential disadvantages have not disappeared, the situation changed tactically with the decision of the Non-Aligned Heads of State at Colombo to bring about an SSOD. The large bloc of votes which the Non-Aligned commands at the UN made an SSOD unstoppable. Faced with this situation, we concluded that US interests would best be served tactically by adopting a positive posture towards the SSOD. At a minimum this would allow us, in cooperation with allies and others who may share our views on specific issues, more effectively to employ tactics—in the Preparatory Committee and subsequently in the SSOD, designed to avoid confrontation and allow us to influence the course of procedural and substantive preparations to our advantage. Moreover, a positive approach would allow us, together with our allies, to pursue and shape specific initiatives which might develop that appeared likely to further our arms control or other objectives.

9. Our Delegation to the 31st UNGA was therefore instructed to join in the consensus approval of a resolution calling for the convening of an SSOD and to explain that the US plans to participate constructively in the careful preparation which will be needed to bring about a successful SSOD.<sup>5</sup>

10. General instructions: A. Action addressees should plan on making informal soundings based on the guidance provided in para 12 sufficiently before Feb. 14 to allow reporting to the Department by that date. We are interested in your assessment of how the host government views on those issues likely to arise during the PrepCons. Our most immediate concern involves the March 7–11 PrepCon which will deal with organizational matters. Reporting should include the names of heads of Delegations likely to be attending PrepCon. Except where deemed necessary by posts, or when instructed otherwise, precedence of reporting need not exceed priority level. Where report is of considerable length, post may want to pouch document to Department with summary of report sent by cable.

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<sup>5</sup> Telegram 292475 to USUN, December 1, 1976, included the authorization to join the consensus adoption on a vote for a SSOD resolution. The Department of State also instructed the UN Delegation to make a statement that noted that “unrealistic public expectations can be stimulated by the promises often associated with large conferences and are just as frequently disappointed. Public understanding and public support of arms control measures are too important to risk this.” The U.S. therefore “approaches the proposal for a Special Session on Disarmament with both caution and hope. We are cautious because of the size of the conference and the fact that its objectives remain vague and unspecified. We are hopeful, however, because of the strong interest on the part of many UN members for such a conference and the seriousness of purpose which accompany the sentiments expressed regarding the necessity of its success.” (National Archives, RG 59, Central Foreign Policy File, D760444–0885)

B. Info addressees should at this time make no approach to host governments on the SSOD. We would appreciate, however, posts' analysis of host country attitude toward SSOD (see A above) and possible means of dealing with it.

#### 11. Special instructions:

A. For US Mission NATO: We seek full and close consultations on SSOD activities with our NATO allies and selected countries which have been extensively engaged in our arms control efforts in the past. Such consultations should help in avoiding unnecessary confrontation and should permit the US, our allies, and their friends to influence the course of procedural and substantive preparations to our mutual advantage. While such consultations could take place on a bilateral ad hoc basis, we believe that a multilateral meeting of NATO representatives would also be useful in coming to a basic understanding of national positions and the development of a common strategy and tactics. Toward this end, US mission NATO should address question of SSOD at the next PolAds meeting, drawing as appropriate on information in paras 4 through 9 and on guidance in para 12, noting that we will also be discussing SSOD bilaterally with PrepCon members, but that we believe subject is of importance to allies, and urging that discussions be developed in future PolAds meetings to consider the upcoming SSOD PrepCons and the April 15 country views submission. Mission should note that the most immediate question concerns the March 7–11 SSOD PrepCon, which will deal with organizational matters such as chairmanship, voting, rules of procedure, financial questions, formation of subcommittees, and the role of observers. Mission should seek agreement on early date for PolAds discussions on SSOD. We would also appreciate US NATO views on holding a special meeting of disarmament experts very early in April to exchange views on the national submissions to the UN SYG on the SSOD which are due on April 15. We would not envision such a meeting as replacing the regular meeting of disarmament experts scheduled for April 21–22.

B. For Belgrade: Begin FYI: We believe GOY has played and will continue to play an important role in development of SSOD. We have an interest in working closely with the Yugoslavs in view of both this fact and in view of its leading role among Non-Aligned. Since GOY may not share US interests to same degree as other action addressees, however, we wish to avoid committing USG to special consultative relationship with GOY on SSOD. End FYI. With this in mind, Embassy should approach Krivokapic, referring, to his own request for early US-Yugoslav bilateral talks preparatory to SSOD (see Belgrade 405),<sup>6</sup> ex-

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<sup>6</sup> Telegram 405 from Belgrade, January 21 is in National Archives, RG 59, Central Foreign Policy File, D770024–0230.



pressing our interest in working constructively and positively in the SSOD process. You may draw on guidance in para 12, adding that we wish to work step-by-step so that each phase can be successful. You may note in this regard that we welcomed Yugoslav efforts at the last UNGA to produce a balanced SSOD resolution which we were able to support.

C. For New Delhi, Colombo: In addition to Yugoslavia, we consider that the helpful efforts of other key Non-Aligned countries are necessary to allow the SSOD process to develop in a manner which will best serve US interests. Embassy should therefore approach host government to state US recognizes and appreciates efforts made by Non-Aligned at 31st UNGA to introduce moderate SSOD resolution which could receive support of the US. Drawing on guidance para 12, you should express US interest in continuing to work constructively and positively in SSOD process, adding that we wish to work step-by-step so that each phase can be successful. FYI. However, since host government may not share US interests to same degree as other action addressees, Embassy should avoid committing US to special consultative relationship with host government. End FYI.

12. General guidance for action addressees: During informal consultations with host governments on SSOD, posts may draw on the following points as appropriate, modifying them to suit the specific circumstances:

—We supported a consensus resolution last fall calling for a Special Session of the General Assembly to discuss disarmament in the hope that, with adequate preparation, it could make a realistic and constructive contribution to the broader objectives of arms control and disarmament.

—First conference of the recently constituted Preparatory Committee takes place March 7–11. That meeting will consider organizational and procedural questions germane to that committee and the Special Session.

—Preparatory conferences will meet on at least two other occasions this year, May 9–20 and September 6–9, during which time the Committee will develop the SSOD agenda and draft a resolution for presentation to the 32nd General Assembly.

—It is also expected that the Committee will determine the types of action to be taken by the SSOD i.e., general declarations, specific agreements, planned studies, expert commissions, etc.

—(Particularly because your government is a member of the Preparatory Committee.) The US, at this time, would welcome your views on questions of an organizational, or procedural nature, and any other issues regarding an SSOD that are of concern to your government.

—We look forward to working with the government of ( ) (during the various meetings of the Preparatory Committee and) prior to and during the Special Session to achieve the most positive result possible.

Vance

**472. Memorandum from the Deputy Secretary of State  
(Christopher) to President Carter<sup>1</sup>**

Washington, February 21, 1977

## SUBJECT

Official Visit by United Nations Secretary General Kurt Waldheim

## I. OVERVIEW

*A. Issues Waldheim May Raise**1. Overall Relations*

Waldheim will seek an expression of your support of his efforts generally. He will expect you to characterize the policy of your Administration towards the United Nations.

[Omitted here is information unrelated to the Special Session on Disarmament.]

*7. Special Session on Disarmament (SSOD)*

The General Assembly last November decided to hold a Special Session in 1978 on disarmament to give new political impetus to negotiations generally, to assert the interest of the UN in the field and to develop a program for future multilateral efforts. Three preparatory conferences are to be held during 1977 beginning in late March.

We have adopted an open-minded attitude toward the proposal, indicating our willingness to participate actively and with constructive ideas. We recognize that the Special Session, as a prominent and highly political forum, presents some risks of confrontation, polemics, and recommendations that we might not be able to accept. At the same time, however, we see some potential for useful action at the session in such areas as nonproliferation and conventional arms limitation and perhaps on a comprehensive test ban.

The Secretary General's role in the preparation is largely formal and administrative, although the Secretariat is expected to be charged with preparing background reports and the Secretary General is certain to submit his own views in a special report to the session when it convenes.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Brzezinski Material, VIP Visit File, Box 14, United Nations, Secretary General Waldheim, 2/25-26/77: Cables and Memos. Confidential.

*Talking Points (If Raised)*

—The United States is taking an open-minded attitude toward the Special Session on Disarmament and will participate actively in the process.

—We see a potential for a constructive outcome from the session if all approach it in a spirit of cooperation and with a commitment to work toward realistic and generally acceptable results.<sup>2</sup>

[Omitted here is information unrelated to the Special Session on Disarmament.]

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<sup>2</sup> Carter and Waldheim met on February 27 but the Secretary General did not raise the SSOD issue. The memoranda of conversation is scheduled to be printed in *Foreign Relations, 1977–1980*, vol. XXV, United Nations; Global Issues.

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#### **473. Telegram From the Department of State to the Mission to the North Atlantic Treaty Organization<sup>1</sup>**

Washington, March 26, 1977, 1925Z

67750. Hold for opening of business. Subject: PolAds' Discussion of UN Special Session on Disarmament (SSOD). Ref: A) USNATO 1359;<sup>2</sup> B) London 4760.<sup>3</sup>

1. Final draft of US report on its views to UNSYG on SSOD has not yet been completed. Mission should therefore draw on this message in its discussions at March 28 PolAds' meeting.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770105–0133. Confidential; Immediate. Sent for information Immediate to the Mission in Geneva. Sent for information to London, Paris, Bonn, and USUN. Drafted by Michael Congdon (ACDA/IR); cleared by William Stearman (ACDA/IR), Thomas Hirschfeld (S/P), Gerald Helman (IO/UNP), and Bartholomew; and approved by John Hawes (EUR/RPM).

<sup>2</sup> Telegram 1359 from USNATO, March 10, reported that neither the UK disarmament expert nor the French disarmament expert would be able to attend the March 28 Political Advisors meeting on SSOD. The Mission therefore recommended that the "most effective way to elicit and exchange of allied views on response to UN SYG on SSOD would be to circulate to PolAds a paper setting forth US views on this issue." (National Archives, RG 59, Central Foreign Policy File, [no film number])

<sup>3</sup> Telegram 4760 from London, March 22, reported that a member of the UK Foreign and Commonwealth Office told the United States that it was "likely that May [SSOD] PrepCom will be less substantive than heretofore anticipated in view of the fact that many nations will not have prepared their reports." (National Archives, RG 59, Central Foreign Policy File, D770098–0966)

2. USG has adopted positive approach to SSOD. Most recently, President Carter's UN speech<sup>4</sup> indicated that we would make a strong and positive contribution to the SSOD. In such a forum it may be possible to reach agreement on certain broad principles of arms control and disarmament negotiations agreements, and to identify priorities by drawing attention to areas ripe for early attention; Session should also have responsibility to assess capacity of current institutions to handle tasks on the international arms control and disarmament agenda. This is not to say, however, that it should have mandate to prescribe new, or abolish old, institutions without agreement of principal participants in arms control process.

3. US Rep should also indicate USG willingness to consider substantive discussions on specific arms control issues by SSOD or its committees. This does not repeat not mean USG foresees negotiating role for Special Session or its committees in concluding specific arms control measures. It does mean USG is open to possibility that Session might encourage broad agreement on specific measures in light of atmosphere which develops during preparatory phases and during Session itself. US Rep should state that we are not in a position to identify what those issues may be at this point in the process.

4. US Reps should indicate that we recognize the whole gamut of traditional arms control topics will probably be raised at the Session. We shall want to emphasize that the first requirement for meaningful arms control agreements involving the major powers is the active support of those powers. We wish to avoid the danger that sensitive negotiations could be adversely affected by contentious political debate in the SSOD, or that alliance interests could be damaged in larger forum.

5. US Rep should also indicate we would like to see final acts or documents receive widest possible agreement. USG therefore sees some value in working with responsible members of Non-Aligned Movement, e.g. Yugoslavia, during preparatory phases and at Session to bring about such agreement. Yugoslav approach may, however, be somewhat too specific and we believe greater level of generality may prompt wider adherence.

6. Final documents may include:

A) Overview of where we stand in disarmament process (what Yugoslavs have called "taking note of results achieved so far, drawing up balance sheet,) including review of progress and problems over past decade. Yugoslavia's original position was that, "this appraisal should be devoid of extreme demands and superfluous verbal criticism of

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<sup>4</sup> The text of Carter's Address to the United Nations General Assembly, March 17, is in *Public Papers: Carter, 1977*, pp. 133-135.

leading military powers for past failures.” One criterion of the value of such final document, we believe, should be its adherence to this caveat.

B) Priorities, drawing attention to areas ripe for early attention. We do not repeat not envisage here a comprehensive negotiating program, complete with timetable, of the sort more radical members of the Non-Aligned might favor. Rather, we believe it may be possible to reach agreement on identifying the most outstanding issues.

C) General principles to govern arms control negotiations and agreements. Depending on climate of meeting, statement of principles could be so highly general as to be meaningless, or so specific and directed at certain countries as to be damaging. We would prefer a middle ground which concentrated on principles of existing and possible future agreements and on gaining wide adherence. We would judge specific formulations on their individual merits.

D) The capacity of current institutions to promote progress on arms control and disarmament as a means of bringing about greater national and international security and peace. We believe question of possible revision of CCD and UN structure on disarmament questions will certainly come up at Special Session, and we wish to contribute responsibly to the debate. We believe the CCD to be a good multilateral forum for pursuing our interests. Any proposed changes to the CCD would be viewed from this perspective, and thorough justifications for change would be needed to gain our agreement.

7. In general we believe Special Session should avoid problems of UN First Committee<sup>5</sup> by adopting broad framework for consideration of specific proposals and avoiding consideration of national shopping lists of pet projects. It will also be important to avoid being bound by traditional patterns of First Committee work, such as adoption of mass of discrete and often unrealistic resolutions. In our view success of Session will depend in large measure on determination of all participants to forgo the kinds of polemical exchanges and confrontations which have so often characterized disarmament debates in the UN First Committee.

8. If it does so, Special Session can provide significant opportunity for fundamental reexamination of disarmament problem in its full scope. Session can focus on basic questions such as extent to which arms control and disarmament measures can help make the international system safer for all nations, large and small; role of UN in promoting greater understanding of all aspects of disarmament problem; and, finally, what positive action each nation, as well as UN as an orga-

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<sup>5</sup> The UN First Committee, or the Disarmament and International Security Committee, deals with disarmament and other security-related questions.

nization of nations, can take to begin difficult movement toward national and international security at lower levels of armaments.

9. We will have further thoughts on the SSOD agenda which we will convey to NATO as they are developed. For working purposes, agenda items could parallel one or more of the possible final documents described para 6 above. We plan to distribute US response to SYG to NATO prior to submission.

10. Finally, you should emphasize to PolAds importance we attach to continued detailed consultations on SSOD as national planning evolves. Issues at stake in SSOD are so closely related to fundamental concerns of NATO that they must be dealt with on the basis of the highest standards of NATO consultation.

**Christopher**

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**474. Telegram From the Mission to the North Atlantic Treaty Organization to the Department of State and the Mission to the United Nations<sup>1</sup>**

Brussels, April 22, 1977, 1843Z

2348. Subject: NATO Disarmament Experts Discussion of UNSSOD.

1. Summary: At the April 20–21 meeting of the NATO disarmament experts, discussion of the UN Special Session on Disarmament focused on the need for intensified allied consultations in preparation for the 1978 meeting; replies to the UNSYG; the probable role of the Soviets at the meeting; the need for dialogue with the Non-Aligned; and the upcoming meeting of the Preparatory Committee. Consensus of the experts favored a special PolAd meeting to be held in late May to discuss further the Non-Aligned position paper<sup>2</sup> and a Canadian suggestion that a PrepCon subcommittee be established to begin drafting the final conference document. End summary.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, [no film number]. Confidential. Sent for information to all NATO capitals, Belgrade, the Mission in Geneva, and Moscow.

<sup>2</sup> Not found.

2. Of the eleven nations represented, seven (Norway, UK, US,<sup>3</sup> Canada, France, the Netherlands and Italy) stated that they have drafted but not yet submitted their replies to the UNSYG. Both Denmark and Turkey have already done so. In light of their plans to circulate their draft replies to the other Delegations, experts did not give detailed summaries of their positions.

3. The FRG (Ruth) emphasized the necessity for Western consultations with the Non-Aligned states leading up to the SSOD. He cited recent discussion in Bonn with the Yugoslav Representatives to the NACC and the seriousness with which the Non-Aligned are approaching disarmament issues. According to the FRG, these states view the 1978 meeting as the first in a series to be held under UN auspices. The German position was widely supported: Belgium and the UK stressed the need for such consultations with Non-Aligned leaders, notably Yugoslavia. Denmark (Schoen) viewed the SSOD as an opportunity for the West to improve its image in the developing world and urged that it adopt an active stance at the conference.

4. Belgium (Onkelinx) and Denmark expressed similar expectations regarding the Soviet role at the SSOD noting that the USSR appeared to have lost interest in the conference. Several Delegations noted that lack of support for a World Conference on Disarmament (WDC) accounted for Soviet aloofness. Canada suggested that willingness to consider follow-on SSOD's could further deflate Soviet WDC efforts. However, the UK (Edmonds) questioned Soviet motives, citing Soviet demarchés to Italy and the FRG as well as the UK for bilateral consultations with the USSR on SSOD issues. France (Mistral) warned against complacency regarding Soviet inactivity, and foresaw a renewed campaign to link SSOD with WDC.

5. Turkey (Ulucevik) noted that the most recent version of the Non-Aligned paper was identical to the earlier draft<sup>4</sup> with the addition of references to a WDC. France (Mistral) categorized the text as an ex-

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<sup>3</sup> Earlier in the day, the Carter administration said that the "Special Session offers an opportunity to come to grips, in a concentrated manner, with some of the fundamental problems in the disarmament field." Nonetheless, the session "will need to do more than seek agreement on abstract priorities determined without reference to their achievability, on general principles for disarmament that may or may not contribute to the solution of specific problems, or on a rigid programme and schedule of action seeking to determine a long-range process inevitably dependent on a multitude of factors subject to unforeseeable change. Such efforts, if not kept in perspective, could result in obscuring the Session's paramount purposes and divert its attention from more urgent problems." The United States also cautioned that the Session "must be regarded as one step in a very long and arduous process. That process is nothing less than improving the security of all nations and their peoples and building a world order in which human energies and talents are devoted more fully to meeting the basic needs of all humanity." (Telegram 90685 to USNATO, April 22; National Archives, RG 59, Central Foreign Policy File, D770139–0860)

<sup>4</sup> Not found.

haustive catalogue of disarmament procedures and warned that if the SSOD were to base its work on this document, the conference would be unable to reach conclusions. The US (Sloss) shared this opinion, but saw some encouraging signs of pragmatism, resulting probably from Yugoslav influence. The Netherlands (Bruyns) cited a covering memo<sup>5</sup> which indicated that the draft was intended to assist the Non-Aligned in preparing their replies to the UNSYG and not to limit their scope. The FRG (Ruth), referring to its recent consultations with the Yugoslavs, viewed the Non-Aligned as open to consultation with the West, but Belgium (Onkelinx) warned that the Non-Aligned might be more receptive to Soviet initiatives than Western ones and that an alliance between the East and the Non-Aligned might easily arise at the SSOD.

6. The UK (Edmonds) said first PrepCon had gone as well as could be expected and noted that handling of disarmament issues at Fall UNGA would have considerable impact on the SSOD, perhaps distracting interest from PrepComs.

7. Canada (Hammond) said his government believed SSOD's success or failure would depend heavily on content of final document of the session, and degree of consensus it had gained. For this reason Canada was proposing in its reply to SYG the establishment of a drafting subcommittee at the May meeting to begin work immediately on the final document. France (Mistral) questioned whether the PrepCon's mandate included such activities and other Delegations (US, UK) pointed out disadvantages of drafting too early, as this might lead to debate over language rather than content and interfere with national re-examinations of arms control issues in preparation for the SSOD. A UK proposal that allies begin work on a Western preliminary draft for use at an appropriate future time, perhaps the 3rd PrepCon, found wide support. Delegations also agreed that the scope of the final document, which all recognized as inevitable, be neither too general nor too specific and that Western collaborative effort would be necessary to ensure the production of a suitable text.

8. The FRG (Ruth) stressed the need for the intensification of allied consultations in preparation for the SSOD. A UK suggestion for further discussion of the Non-Aligned paper (para 5) and of Canadian proposal for a drafting subcommittee (para 6) was widely supported. The Netherlands indicated that such discussion might appropriately be held first in the PolAds. The chair (Pabsch) stated that he would pass on in his report to the NAC the consensus of the meeting calling for a special meeting of the PolAds in the second half of May devoted to these issues.

**Perez**

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<sup>5</sup> Not found.



**475. Telegram From the Department of State to the Mission to the United Nations<sup>1</sup>**

Washington, May 7, 1977, 0101Z

104340. Subject: Second Meeting of PrepCom of UN Special Session on Disarmament: Guidance for US Delegation.

1. Begin summary: This message provides guidance on key issues expected to arise at the second meeting of the Preparatory Committee for the Special UNGA on Disarmament. It supplements the position paper prepared for the first meeting<sup>2</sup> as well as the general statement of US views contained in our response to the SYG's request for views (State 90685).<sup>3</sup> Specific guidance is set out below on (A) the agenda of the Special Session, (B) role of the Secretariat, (C) non-governmental organizations, and (D) scheduling of further PrepCom work and intersessional working arrangements (May through August). Additional guidance will be provided as needed. End summary.

2. Guidance for second meeting of PrepCom of UN Special Session on Disarmament:

I. Introduction:

The first meeting of the PrepCom was concerned largely with the election of a Chairman and Bureau, participation, rules of procedure, and the role of the Secretariat and other questions regarding support. We expect the second PrepCom meeting to devote its attention to:

- A. Development of the agenda of the Special Session,
- B. Role of the Secretariat,
- C. Role of non-governmental organizations (NGOS),
- D. Scheduling of further PrepCom work and intersessional working arrangements (May through August), and
- E. Creation of subcommittees or working groups.

This paper provides general guidance for the US Delegation on these issues. Additional guidance will be provided as needed, taking into account the Delegation's reporting and recommendations.

II. A General Approach and Objectives:

Our general approach to the Special Session on Disarmament is that contained in the US letter of April 22, 1977, to the Secretary General,

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D770160–0899. Limited Official Use; Immediate. Sent for information to USNATO and the Mission in Geneva. Drafted by David Thompson (ACDA/MA/IR) and David Macuk (IO/UNP); cleared by Flowerree, Lyall Breckon (PM/DCA), Gerald Helman (IO/UNP), Martin Goldstein (DOD/ISA), and Thomas Hirschfeld (S/P); and approved by Charles Maynes (IO).

<sup>2</sup> Not found.

<sup>3</sup> See footnote 3, Document 474.

and the Delegation should draw on it in its private and public comments. Our immediate objective at the second PrepCom meeting is to work for an agenda which will reflect a realistic set of objectives for the Session. It should be general in its phrasing, neither anticipating the negotiation of specific arms control measures nor prejudging the results of the Special Session.

As at the first PrepCom meeting, we will want to strengthen the cooperative atmosphere that has existed so far by making it clear that Non-Aligned moderation facilitates our ability to be forthcoming.

### III. Consultations and Coordination:

We will wish to continue to pursue actively consultations with all major actors and to strengthen our interest in on-going processes of open dialogue.

The Delegation should maintain especially close relations with our allies on the PrepCom, as well as with the Western group in general. Consultative group meetings consisting of NATO members, Japan, Austria, as well as the special WEOG working group established during the first PrepCom should be continued.

Consultations with the Soviets will also be important in view of our common interests in such areas as SALT and the CCD; the Delegation should make clear to the Soviets that we share important interests which could be adversely affected by the Session and we hope to work together throughout the preparatory processes to protect such interests. We do not expect, however, to develop a fully coordinated approach with the Soviets in light of our different approaches to certain elements of the Session; e.g., the World Disarmament Conference issue.

In consultations with key Non-Aligned, neutral and developing countries, the Delegation should seek to encourage openness, moderation, cooperation, and avoidance of block positions and atmosphere of confrontation. We will seek to give concrete evidence of our willingness to be flexible and to carefully consider reasonable Non-Aligned concerns. As at the first Preparatory Committee meeting, the Delegation should keep in close touch with leading Non-Aligned and neutral Delegations, including those of Yugoslavia, Sweden, Argentina, Brazil, Iran, and Egypt, as well as others that may emerge as major players.

### IV. Issues:

(1.) Agenda of the Special Session: We have indicated in our submission to the SYG that the US will adopt a flexible attitude toward the agenda. Although we would prefer an agenda that simply sets out an organizational framework (e.g., general debate, adoption of final documents), we are prepared to go along with the general trend in favor of a more thematic agenda along the lines proposed in the Non-Aligned in-

formation paper (USUN 1069<sup>4</sup> and 1290).<sup>5</sup> In seeking to work out a generally acceptable formulation, the Delegation should attempt to:

A. Keep the number of items to a minimum and as broad as possible; each item (other than general debate) should constitute a framework for a final document or section of document (if there is only one).

B. Avoid inclusion of specific arms control topics as agenda items.

C. Avoid tendentious, prejudicial, or judgmental language (such as the reference in the Non-Aligned paper to “stagnation” in disarmament or possible Soviet efforts to have an item on the “need” for convening a WDC).

D. Avoid language that might create false expectations by appearing to promise more than is possible; specifically, we believe it would be inadvisable at this point to commit the Session to adoption of a “declaration of principles of disarmament.” While it may be possible to develop some generally acceptable “principles” (or more modest “guidelines”) we believe this prospect should be kept open for the present by referring to the basic “declaration” as a declaration on disarmament or a political declaration.

All of these considerations have a bearing on the handling of the particular and probably contentious question of a World Disarmament Conference (WDC). The Delegation should make clear to others that our position on WDC has not changed. We continue to consider the Special Session a separate and self-contained proposition unrelated to a WDC and we do not believe its status and significance should be undermined by efforts to make it subordinate to or a step toward a WDC. The Delegation should seek to discourage inclusion of a WDC on the agenda. If such inclusion appears inevitable, we are prepared as a tactical measure to accept mention of the WDC question on the agenda as one of the institutional and organizational issues to be discussed at the Session, on a par with the UN First Committee, the CCD, the UNDC, and the UN Secretariat. We would not, however, favor isolating WDC as a special topic for consideration.

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<sup>4</sup> Telegram 1069 from USUN, April 8, reported that the 10-member Non-Aligned steering group had given the Mission a paper containing a potential agenda for the SSOD or a World Disarmament Conference. The agenda included four elements: “(A) review and appraisal of the present international situation in light of the stagnation in the field of disarmament, the continuing of the arms race and close interrelationship between disarmament, international peace and security and economic development; (B) adoption of a declaration of principles on disarmament; (C) adoption of a program of action on disarmament; (D) review of the role of the UN in disarmament, of disarmament mechanisms, including the question of convening a WDC.” (National Archives, RG 59, Central Foreign Policy File, D770124–0635)

<sup>5</sup> Telegram 1290 from USUN, April 28, reported that “recent conversation with other Dels indicate general expectation that second meeting of Special Session PrepCom will not go much beyond development of skeletal agenda for the Session along lines proposed in Non-Aligned ‘information paper’.” (National Archives, RG 59, Central Foreign Policy File, D770150–0251)

Accordingly, the Delegation should seek to maintain the phrasing used in the Non-Aligned paper as a suitable compromise—i.e., review of the role of the UN and of disarmament mechanisms, including the question of convening a WDC. The Delegation should seek further guidance if agreement on a formula of this kind cannot be reached.

(2) Role of the Secretariat:

Mission's report (USUN 1290) suggests that there may not be significant pressure for substantive studies by Secretariat at this stage. We are prepared to consider any proposals that might be made, but would not favor any studies requiring additional expenditures.

We see no advantage in opposing a request that the Secretariat prepare a report organizing the views contained in responses to the SYG into general categories or "themes," although, in view of the vastly different approaches taken by various governments, we doubt that any precise categorization will be possible or that the results will be of great value. A committee request for such a report should be as specific as possible, making clear that the document should not attempt to interpret views, assess trends, or draw conclusions.

We have no objection to the preparation of the following support documents by the Secretariat:

- Presentation of disarmament resolutions adopted by the General Assembly.

- A paper on existing principles and proposals for the conduct of disarmament negotiations.

- A description of existing structures and machinery for disarmament negotiations.

- A compilation of presentation in thematic form of responses to the secretary general's request for country views on the SSOD ... provided the costs of such services fall within currently budgeted Secretariat funds (\$90,000).

(3) Non-Governmental Organizations: Assuming the statement on NGOs to be prepared by the Chairman and rapporteur accurately reflects the agreement reached at the March 31 Bureau Meeting (USUN 1027)<sup>6</sup> the Delegation may support it as indicated (State 82519).<sup>7</sup>

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<sup>6</sup> Telegram 1027 from USUN, April 6, reported that the members of the SSOD PrepCom agreed that NGOs should be "welcomed but that they have no right to 'participate'." This reflected the "deep and general fear" of "NGO 'agitation' or 'interference' in Special Session," as the Soviet bloc was "adamantly opposed to NGO involvement" while "many Western Delegations fear domestic reverberations if 'their' NGOs, often affiliated with opposition political parties, are allowed any status; and many Non-Aligned seem to have vague fears that NGOs will inject extraneous (or even relevant) issues embarrassing to them." (National Archives, RG 59, Central Foreign Policy File, D770119-0388)

<sup>7</sup> In telegram 82519 to USUN, April 13, the Department of State informed the UN that it found "no objection to NGO participation formula" proposed in telegram 1027. (National Archives, RG 59, Central Foreign Policy File, D770128-0116)

(4) Scheduling of further PrepCom work and intersessional working arrangements: we believe it will be important to maintain a pattern of informal consultations and discussions during the summer so that Delegations can gain a clearer understanding of the positions of different governments and identify areas of likely agreement and possible disagreement to facilitate greater understanding of the expectations of different governments and identification of likely areas of accord and disagreement. Since there appears to be a growing expectation that discussions at the 32nd UNGA will significantly shape the course of preparations during 1978 as well as the Special Session itself, it is essential that a groundwork of common understanding be laid before then.

We do not believe that elaborate arrangements need be made for a series of informal meetings during the summer having a specific mandate (e.g., to report to the PrepCom in September). But we would strongly favor action at the May meeting to make possible periodic informal meetings for exchanges of views on the proposed agenda items and other issues. The Delegation should work with others to develop support for such meetings and to take the necessary administrative steps to make them possible.

Should it become obvious that the second Preparatory Committee meeting will not go beyond the development of a skeletal agenda for the Session (e.g., along the lines proposed in the Non-Aligned “information” paper), we would be prepared to consider a 4th, and as yet unscheduled Preparatory Committee meeting to take place during the spring of 1978 to allow further consideration of a detailed agenda by the Preparatory Committee.

(5) Creation of subcommittees or working groups: the Delegation should not object to a decision in principle on the creation of subcommittees or working groups of the whole corresponding to the major elements of the agenda and to the anticipated components of the final document. Care should be taken to avoid creation of a WDC subcommittee or a sub-committee focused on the so-called disarmament-development link. Further guidance on these issues will be provided as needed in the light of developments at the PrepCom meeting and the Delegation’s recommendations. Our major procedural concern with respect to the establishment of sub-committees or working groups would be to avoid an excessive amount of simultaneous meetings. We would prefer that subcommittee meetings be held at different times during the preparatory phase. If there is a proposal to establish any sub-committee or working group with a mandate to continue its work on an intersessional basis, the Delegation should report the details and further guidance will be provided.

**Christopher**

**476. Memorandum of Conversation<sup>1</sup>**

London, May 9, 1977

## PARTICIPANTS

UK—Foreign Secretary Owen  
 Deputy Under Secretary Hibbert  
 Mr. Ferguson, Principal Private Secretary to the Foreign Secretary

France—Foreign Minister DeGuingaud  
 Political Director DeLaboulaye  
 Mr. Andreani, Director for European Affairs, Foreign Ministry

FRG—Foreign Minister Genscher  
 State Secretary Van Well  
 Mr. Terfloth, Foreign Ministry Press Spokesman  
 Mr. Weber, Foreign Ministry Interpreter

US—Secretary of State Vance  
 Assistant to the President Brzezinski  
 Assistant Secretary Hartman  
 Mr. Hunter, NSC Staff  
 Mr. Dobbins (Notetaker)

[Omitted here is discussion unrelated to the Special Session on Disarmament.]

*The UN Special Session on Disarmament*

Genscher felt that they should take very seriously and begin to prepare as soon as possible for the UN Special Session of Disarmament. There were elements of this meeting which the West could turn to its advantage. For instance, the West might wish to call attention to the fact that its ability to contribute to Third World economic development was limited by the arms burden imposed on it by the East.

Owen suggested that the preparations for CSCE, which went forward concurrently in NATO, EEC, and the Council of Europe, offered a model for preparation for the UN session. Genscher noted that there were a larger number of countries involved in the special session than in the CSCE. One must seek to avoid a polarized UNCTAD type situation. This was why this was an urgent question. Once opinion on these issues became formulated, it would be very difficult to exert any influence. Close cooperation with the U.S. was essential, which was why he raised the matter with the four power forum.

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, NODIS Memcons, 1977. Secret; Sensitive. The meeting took place at 10 Downing Street. The memorandum is scheduled to be printed in full in *Foreign Relations*, 1977–1980, vol. XXVII, Western Europe.

Owen suggested that the four Political Directors might look into this matter and report to the Ministers. Vance thought this a good suggestion. If, he said, there were issues included which didn't seem to fit in other forums, then they should consider dealing with them among the Four.

DeGuiringaud said that he was quite willing to have the Political Directors discuss the issue, although he was not sure that they would be able to agree on a common position. They might have common goals but different approaches. Owen said that for the moment, their task would be to look at the procedural questions of how they might eventually reach substantive agreement. It was agreed that the Political Directors would do a paper on preparations for the Special Session on Disarmament for Ministers' consideration at their next meeting.

[Omitted here is discussion unrelated to the Special Session on Disarmament.]

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#### 477. Memorandum of Conversation<sup>1</sup>

New York, September 9, 1977

##### SUBJECT

Preparation of Final Documents for the UN Special Session on Disarmament

##### PARTICIPANTS

###### *United States:*

Mr. Lawrence Weiler, ACDA, Coordinator for the UN Special Session on Disarmament

Mr. John Hirsch, US Mission to the UN

Mr. Michael Congdon, ACDA/MA/IR

###### *Yugoslavia:*

Mr. Dzevad Mujezinovic, Deputy Permanent Representative of Yugoslavia to the UN

Mr. M. Mihajlovic, Yugoslavia Foreign Ministry

Mr. Miljenko Vukovic, Counselor, Mission of Yugoslavia to UN

##### COPIES TO

See attached sheet<sup>2</sup>

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, P770145–0605. Confidential. Drafted by Michael Congdon (ACDA/MA/IR). The meeting took place in the Indonesian Lounge of the United Nations General Assembly Building.

<sup>2</sup> Attached but not printed.

Weiler stated at the outset of the discussion that the United States wished to be as helpful as it could over the next several months to ensure that the Special Session is a success. He observed that the easy part of the preparatory process and procedural matters is now over and that we now face the much more difficult problem of preparing the final outcome. He said he believed all countries needed to do a lot of thinking, not only about the prospective documents, but also what we all want to see the SSOD produce in terms of new ideas and initiatives. Weiler said he assumed that our two countries were in agreement in wanting the SSOD to be productive, to cause things to be different, to create an improved climate for arms control and disarmament discussions, and to give an impetus to disarmament efforts. Further, he believed one goal should be to ensure that no one group of countries stands aside in the process. It was his personal opinion that the session ought to stimulate public support for disarmament efforts and progress. This, he admitted, would have more effect on some governments than others; it was certainly true in the case of the United States. If the result of the conference were to be contentiousness, it would produce an adverse reaction in the US, while improving public support would be a major accomplishment toward our arms control and disarmament objectives.

He said that he wished to highlight a few points in the non-aligned draft Declaration on Disarmament;<sup>3</sup> not exhaustively, but as indicative of the careful language necessary in drafting a document of this type in order to achieve the greatest possible support:

—The final documents, in order to gain wide support, should refer to some progress in disarmament efforts, albeit not enough, for, indeed, some progress had been made.

—They should also acknowledge the fact that there is not just one arms race, but many, all over the world.

—The program of action should avoid rigid time schedules which give an air of artificiality to what is produced.

—The documents should reflect an emphasis on the nuclear side of the disarmament question, but not to the exclusion of conventional weapons (not necessarily limited to conventional arms transfers) and the need for reducing conventional weapons and force levels. For understandable reasons, attention to problems of conventional arms has almost fallen away and been forgotten, while force levels produce concerns that, whether perceived or real, affect other political perceptions.

—The problem of non-proliferation should be reflected in these documents. If the SSOD does not contribute to efforts to strengthen

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<sup>3</sup> Not found.



nonproliferation, and if it, instead, weakens these efforts, thoughts about general disarmament become academic. Whatever opinion one has of the NPT, he said, one central objective of the treaty was to buy time to get on with other arms control activities. For, whenever there is proliferation, it makes it more difficult to move forward on arms control and disarmament. This is in addition to the dangers to international security produced by proliferation. Thus, the documents must reflect that there cannot be increased prospects for arms control if there is further nuclear proliferation.

—The documents should make another point about the importance of merely halting or freezing arms competition, for this is the prerequisite to reversing arms build-ups and to disarming, which may in many cases be easier than reaching agreement on where to stop. He said there is a certain tendency to depreciate any step that does not involve reductions, which is not reflective of realities.

—It is also necessary that the documents avoid code words such as “dissolution of military blocs.”

—We should also seek precision of language in these papers if they are to gain widespread support, noting that the nonaligned paper, if taken literally, called for immediate nuclear disarmament.

—Halting “nuclear weapons testing,” was a phrasing that, of course, was not acceptable to the US.

—It is hard to tie savings from disarmament automatically and mechanically to development assistance. The documents should point out that the savers too will benefit from the redirected resources which would emerge from disarmament programs since this is a major incentive for disarmament efforts.

—The SSOD, and therefore also the documents, should stimulate public involvement—more openness, more information. There is much concern world wide about the unknown in national security postures, and we are concerned that this is a stimulus to arms racing.

—It is important that new ideas be reflected in the SSOD and, if possible, also in the documents. While it is too early to promise any specific new ideas out of the US, we believe the menu must be enriched by all participants.

—Decisions on machinery for disarmament should follow decisions on the Program of Action. We believe it is essential not to turn a negotiating body into a voting body (such as the UNGA). This would change the nature of the forum and it would no longer be a real negotiating body.

Weiler reiterated that he was only speaking personally, and that he was not trying to give an exhaustive summary of comments on the Nonaligned paper, but only trying to highlight for the Yugoslav dele-

gation the trend in our thinking and the general nature of our assessment of the document, and only in a very preliminary way.

The Yugoslav delegation thanked Mr. Weiler for his comments and said they were extremely valuable as an indication of US interest and of US thinking on the SSOD. Mujezinovic said he would not take the time to answer the individual points made by Mr. Weiler at this time, but rather, he said, would address the question of how we might proceed in the drafting exercise. The Yugoslav Government, he noted, had sought and continued to seek more governmental points of view as to the eventual shape of the final documents. Ideally they would like to see the US views set forth, but still, based in part on the existence of several drafts of the declaration, they felt in a rather good position from which to proceed. The Soviet/Eastern European papers (USUN 2711<sup>4</sup> and UN Documents A/AC.187/81 and 82), the Romanian papers (UN Documents A/AC.187/77, 78, and 79), the paper submitted informally by several Western delegations (USUN 2942),<sup>5</sup> Australian and Norwegian drafts, and Japanese and UK comments on earlier papers all reflected various governmental positions. He said his delegation would continue to seek grounds for a final document, but cautioned that they, as was the case with most of the nonaligned, did not have the great expertise in disarmament matters possessed by the larger powers. He said the nonaligned would now have to produce a new draft, of the type produced by others, and try also to arrange the text according to what would appear to be an acceptable format.

Turning to some comments in general on the thrust of Mr. Weiler's presentation, Mujezinovic said his government wished the special session to "dramatize" the lack of progress in disarmament over the past three decades, and to generate both a common policy toward stimulating negotiations, and also political will to enter serious negotiations. They sincerely hoped to produce an outcome which would be acceptable by consensus, but he was doubtful whether this would be possible, particularly on some contentious issues such as the need for continuing alliance systems and the question of the peaceful uses of nuclear energy. He recalled Mr. Weiler's emphasis on non-proliferation and said that, in the view of his government, what was needed was a "new system" to prevent nuclear proliferation, and he saw the SSOD as a necessary first step in this field. His government felt it was ironic that the very states which were committed to nonproliferation were accused in fact and by implication of endangering the nonproliferation regime. Most nonaligned agreed that nuclear weapons and proliferation were

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<sup>4</sup> Telegram 2711 from USUN, August 24, is in National Archives, RG 59, Central Foreign Policy File, D770306-0503.

<sup>5</sup> Not found.

dangerous. What they did not understand was why the nuclear armed states should accuse them of endangering the regime. His own country was a member of the NPT. “We are the sole countries obeying nuclear non-proliferation (sic.),” he said, “and perhaps to our economic detriment.” He said there was a great resentment at what he called the “slap in the face” received by the non-aligned at the NPT review conference,<sup>6</sup> where the nuclear powers, the real proliferators, in response to calls for further action on their Article VI obligations,<sup>7</sup> treated the non-nuclear weapon states as if they were seeking to undermine the treaty.

Changes in emphasis and an understanding of the legitimate rights of the non-nuclear states to pursue economic development, he said, are necessary on the part of the nuclear weapons states, and nuclear nonproliferation cannot be pursued through suppliers’ cartels such as the London Group.

In more general terms he referred to the need for more responsive disarmament mechanisms, mechanisms flexible enough to embrace the opinion of the large number of non-militarily powerful states who have a vital interest in bringing about a safer world. There should be a change in perception of the interests of these states in disarmament. In this regard, he said, Mr. Weiler’s emphasis on conventional arms put the cart before the horse. We must begin to eliminate the most dangerous weapons first, he said, and in the context of progress on this front, it might then be possible to move to progress on conventional arms. Conventional arms restraint and reduction haven’t gotten off the ground because the most responsible states have not yet started the process. Once they do other states will join in.

In conclusion, each side expressed appreciation for the views of the other, and they agreed to remain in close touch, particularly at the time of the UN General Assembly debate on disarmament and during the subsequent preparatory committee meetings.

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<sup>6</sup> The NPT Review Conference took place May 5–30, 1975.

<sup>7</sup> Article VI of the Non-Proliferation Treaty declared that signatories must pursue “negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” and make progress towards a treaty “on general and complete disarmament under strict and effective international control.” (*Documents on Disarmament*, 1968, pp. 461–465)

**478. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to Secretary of State Vance<sup>1</sup>**

Washington, January 20, 1978

SUBJECT

Specific US Initiatives for the SSOD

This memorandum describes five possible specific initiatives that the United States might propose at the SSOD. These initiatives are intended to take advantage of the opportunities for significant progress in arms control that the SSOD offers, and to respond positively to the concerns of SSOD participants.

Unhappily, possibilities for US initiatives that could be acceptable within the United States government do not correspond precisely to the priorities of the developing countries and the nonaligned, or to favorite themes of the NGOs. Still it seems best to pursue initiatives that have real rather than apparent content, even if they are less responsive to the expressed demands of other participants in the Special Session.

We think the problem is not one of overloading the system, but rather identifying at most two or three specific initiatives that the United States can present.

The memorandum also outlines the course we propose to pursue in developing positions on other issues that are not likely to be the subject of specific US initiatives.

If, in the course of our work over the next few weeks, we are able to identify additional promising initiatives, we will send you further reports on any major possibilities.

*Possible Specific Initiatives*

1. *Nuclear Non-Use Assurances.* We might want to take an initiative in the area of nuclear non-use assurances to support our non-proliferation objectives, while maintaining alliance deterrence capabilities. Specifically, we could revive a formulation that we proposed to the Soviets in 1968 in the NPT negotiations and that became the basis for our adherence in 1971 to Protocol II<sup>2</sup> of the Treaty of Tlatelolco—non-use against non-nuclear weapon states party to the NPT (or other binding international non-proliferation commitments) except those en-

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, FRC #383-98-0143, Bureau of Multilateral Affairs, Chemical Weapons, Disarmament, and CTB Files, 1970-85, Box 3, UN Special Session on Disarmament, Working Paper on International Mechanisms for Disarmament, August 1976-July 1978. Confidential.

<sup>2</sup> See footnote 5, Document 402.

gaged in aggression in association with a nuclear weapon state. The pledge thus would not apply to Eastern Europe in the event of a Warsaw Pact attack. Nor would it apply to a North Korean attack on South Korea inspired or supported by China or the Soviet Union. It would apply to those states most deserving from the non-proliferation perspective, i.e., those formally renouncing nuclear weapons that do not have nuclear power protectors. The initiative would therefore help create a more balanced non-proliferation regime. The pledge would take the form of a unilateral US policy statement, and we might also call on other nuclear powers to undertake corresponding restraints. Our initiative would, of course, have to be preceded by consultations with NATO and Asian allies. We propose to develop a specific proposal for inter-agency coordination.

2. *Cutoff-Transfer*. Since 1956, Administrations of both parties have proposed a cutoff by nuclear weapon states in the production of fissionable materials for weapons use. Associated with a cutoff, the US still has on the table a proposal to transfer agreed amounts of such materials to peaceful purposes (e.g. 60,000 kgs. of U-235 by the US, provided the Soviet Union transfers 40,000).

A US failure to follow up on this proposal would be hard to explain. This Administration may be able to seize the opportunity to propose something even more meaningful at the SSOD. We could, for example, serve non-proliferation and disarmament objectives, and the interests of the developing countries, by proposing that a quantity of weapons grade U-235 be diluted to reactor fuel and transferred to an international nuclear fuel authority, bank, or other appropriate depository. Such an initiative could be proposed as part of a cutoff agreement, or undertaken separately by the US to show our desire for progress. In the latter instance we might call on the Soviets for a similar undertaking.

I recommend that we take up the matter directly with the President after State and ACDA have worked out a specific proposal. If the President thought the proposal had merit, the next step on the transfer could be a direct request from him to Harold Brown, George Brown and Jim Schlesinger for a quick appraisal from their perspectives. They could confirm that an adequate supply is available for this purpose. Because the cutoff is still technically US policy, it might not require a formal interagency review. We probably should inform the Soviets before formal presentation at the SSOD.

3. *Prohibition of ASAT Systems*. In March, you proposed to the Soviet leaders that we begin a bilateral negotiation to ban ASAT systems.<sup>3</sup>

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<sup>3</sup> See Document 3.

The President has approved (September 23, 1977) the concept of a general ban on ASAT systems as the goal of the proposed negotiation with the Soviet Union on this subject.<sup>4</sup> SCC agreement on the details of our position has not yet been reached, however, so that the negotiation has not yet been scheduled. We should press for development of a US position so that we can get this negotiation started. We could then cite this on-going negotiation in the SSOD as one of the many initiatives on arms control undertaken by this Administration and could use the SSOD to build up support.

If, however, we have not been able to initiate this negotiation, the SSOD provides an appropriate forum to achieve this established objective as a national initiative rather than as a formal agreement. The President could announce at the SSOD that it was the intention of the US not to test or deploy anti-satellite systems designed for physical attack on satellites, as long as other countries followed the same policy.

This simple formulation would not affect our plans to develop electronic warfare capabilities in this field. Although obviously directed at the Soviet Union, the formulation basing our intention to ban ASAT on the actions of *all* countries in this field would somewhat obscure the bilateral nature of the issue and put additional pressure on the Soviets to curtail their activities in this area. Since the issue is essentially one of tactics and politics, we would propose to prepare a joint State-ACDA memorandum for the President on this initiative.

If we are unable to agree on a position that would permit the start of bilateral negotiations, and are not prepared to launch this national initiative at the SSOD, we could propose that the SSOD consider a possible international convention on non-interference with satellites. It could not yield as prompt or as effective control over the threat to our satellite capability, but it would be, at least, a useful minimum step. This proposal could be examined on an interagency basis.

4. *Preference Assistance for Non-Proliferators.* The SSOD will provide an appropriate forum to present and explain our non-proliferation program. Some third-world countries have criticized recent US non-proliferation policies and the London Suppliers' Group as efforts to deny nuclear technology to developing countries, and as a "violation" of our obligation under Article IV<sup>5</sup> of the NPT to assist in the peaceful uses of nuclear energy. Although there is some non-aligned support for our non-proliferation objectives, this polarization along North-South lines on nuclear issues is damaging to US non-proliferation interests. In order to gain more support from developing countries, and to give de-

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<sup>4</sup> See Document 11.

<sup>5</sup> See footnote 4, Document 342.

veloping countries further incentives to become or remain parties to the NPT, we would propose an announcement, at the SSOD, of substantially enhanced cooperation for developing countries party to the NPT or to other binding international non-proliferation commitments. Among the forms of preference we are examining are:

—Some preference in the terms and conditions of Ex-Im Bank financing. We pledged to undertake such measures during the NPT Review Conference, but have not yet carried out that pledge;

—The transfer of a substantial quantity of material enriched to a maximum of only 20% for use in research applications. The material, which could be used instead of weapons grade HEU, could be obtained from HEU currently contained in and excess to the needs of our weapons stockpile. This transfer, which would amount to no more than 1,000 kgs., could be done in conjunction with the transfer initiative described above, or independently. In either event it should be coordinated with the international fuel bank concept being developed in INFCE.

—Establishment of a special fund for the fabrication, supply, and ultimate return of research reactor fuel.

These latter two measures, in addition to the other advantages, would also serve to give countries an incentive to move away from weapons-usable highly-enriched uranium to low-enriched fuel in their research reactors.

We would plan to prepare a specific proposal for inter-agency coordination.

5. *Confidence Building Measures.* Regional stability is central to peace and security throughout the world. Confidence building and stabilizing arms control measures can dampen the sense of insecurity that preoccupies countries in many regions, by reducing the chances of setting off or escalating conflict between nations.

Following the example of the CSCE confidence building measures (CBMs),<sup>6</sup> to which the United States has subscribed, we could propose in the SSOD that ways to apply CBMs and other stabilizing measures be explored for areas of regional tension. For example, regional agreements on pre-notification of military maneuvers, and preannouncement of movements of major military forces could go a long way to foster mutual confidence and security about military behavior that

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<sup>6</sup>Included in Basket One of the Helsinki Final Act is a document on Confidence-Building Measures and Certain Aspects of Security and Disarmament. The confidence-building measures were designed to reduce the "dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension." The Final Act of the Conference on Security and Cooperation in Europe, signed on August 1, 1975, at Helsinki, is in the Department of State *Bulletin*, September 1, 1975, pp. 323–350.

otherwise might be perceived to be potentially hostile. Moreover, they could provide a foundation for regional arms control cooperation that could eventually lead to more significant agreements to limit and reduce forces and to ease the burden of defense expenditures on national budgets.

Neither the UN nor existing regional organizations now have the technical expertise for a serious effort to promote stabilizing measures between interested nations. The United States could propose to strengthen the international machinery for this purpose, making our own experience available in the process. We would propose to prepare a coordinated proposal, working initially with PM.

In addition to these possible specific initiatives, we are continuing to work in four other areas in preparation for the SSOD.

1. *Disarmament-Development Link.* It will be hard to escape addressing Third World interests in assuring that any savings from "disarmament" will be ascribed to economic and social development in the Third World. This Administration's self-restraint initiatives (B-1)<sup>7</sup> and arms control achievements (SALT<sup>8</sup> and CTB prospects) will go some distance to show seriousness about arms control. Nevertheless, this will not be adequate for many developing countries, which draw distinctions between disarmament (which presumably generates significant savings) and arms control (which, aside from the ABM Treaty, has not). Aside from continuing support for the Norwegian initiative (longer term study for the disarmament/development link),<sup>9</sup> and the need to avoid any automatic linkages, we have two approaches in mind:

- 1) an attempt to achieve acceptance of the principles of common obligations (for both developing and developed countries) to preserve scarce resources otherwise devoted to armaments, and
- 2) to point out that any transfer of savings which might be possible would be facilitated by some internationally acceptable accounting in-

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<sup>7</sup> Carter canceled funding for the B-1 bomber, a supersonic, low-level penetration aircraft, on June 30, 1977. For more on this decision, see *Foreign Relations, 1977-1980*, vol. IV, National Security Policy.

<sup>8</sup> The Carter administration continued the Nixon and Ford administration's commitment to the SALT II negotiations with the Soviet Union, which aimed to replace the SALT I Interim Agreement with a long-term agreement to limit strategic offensive weapons systems. See *Foreign Relations, 1969-1976*, vol. XXXIII, SALT II, 1972-1980.

<sup>9</sup> The Norwegian initiative was actually written by the Nordic countries including Sweden, Finland, and Norway. Telegram 4486 from USUN, November 10, contains the text of the proposed resolution, which called for the "curtailment of expenditures on armaments" which would "facilitate the availability of greater resources for economic and social development, particularly to the developing countries." (National Archives, RG 59, Central Foreign Policy File, D770426-0762)



strument. For the latter purpose, UNSYG's current military expenditure reporting initiative seems the most hopeful.

Possible US approaches range from SSOD endorsement of mutual obligations, as principles, through increased openness and standardization of military expenditure reporting, to proposals establishing special development and security funds. These will be reviewed on an interagency basis (at NSC staff suggestion), under ACDA chairmanship, to identify those that have enough merit for SSOD consideration.

Whatever proposals we can come up with in linking disarmament and development are likely to be too watery a gruel even for the undernourished world. I believe, therefore, that we should plan on making our presentation as a response to LDC initiatives, rather than as a US initiative, although our initial general presentation in the SSOD should stress our sympathetic concern about the problem.

2. *Comprehensive Test Ban and CW Treaty.* You are familiar with the issues involved in presentation of a CTB to the Special Session. This possibility should be borne in mind, but cannot presumably be resolved until late winter or early spring, depending on the progress of the negotiations and the reactions of the CCD after it convenes at the end of the month.

If a CW Treaty emerges from the CCD in time, the question of how it should be brought before the Special Session will need to be addressed—but not yet.

3. *Conventional Arms Transfers.* Restraint is a major Administration initiative, which we will have to pursue in the SSOD, both to maintain our credibility and to sustain our multilateral restraint efforts outside the UN. Many LDC's object to restraint as a discriminatory echo of the NPT and a way of limiting Third World arms acquisitions while developed countries remain free to produce arms for their own needs. Our options for meeting this LDC objection without inhibiting our own defense are very limited. We will acknowledge the Third World concern that their legitimate defense needs must be met, and we will argue that restraint serves LDC interests, such as lowering tensions and promoting development. A realistic SSOD objective would be to seek some recognition in the conference documents (i.e., Declaration of Principles and Program of Action) that restraint is desirable.

We are working with PM on an intensive series of bilateral consultations to take place before and during the SSOD to develop greater interest in and support for the Administration's policies. The success of this effort will presumably be reflected in the SSOD's final documents, as well as in continuing negotiations.

4. *Further Encouragement for Nuclear Weapons Free Zones.* The United States has already approached the French and the Soviets to encourage

adherence to Protocols I and II of the Treaty of Tlatelolco.<sup>10</sup> We would plan to raise this question with them again before the Special Session begins, urging them to make an announcement at the Session.

We would anticipate that the topic of additional nuclear weapons free zones will receive considerable attention during the SSOD. We would plan to review the tactical situation during the PrepComs to determine whether to press for a more open attitude towards NWFZs, particularly in Africa.

5. *Future Arms Control Forums.* We are preparing an options paper on possible changes in the present co-chairmanship arrangements that will still be consistent with the special position of the US and the USSR in the forum. We will also be working with State and within the two upcoming PrepCom sessions on other proposals for new forums or changes in existing forums.

I look forward to your reactions to these specific initiatives outlined above, as well as any comments you may have on other activities described, so we can proceed expeditiously with our program of work.

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<sup>10</sup> See Documents 438 and 446.

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**479. Memorandum From the President's Deputy Assistant for National Security Affairs (Aaron) to Vice President Mondale, Secretary of State Vance, Secretary of Defense Brown, and the Director of the Arms Control and Disarmament Agency (Warnke)<sup>1</sup>**

Washington, February 6, 1978

SUBJECT

Backstopping Committee for the UN Special Session on Disarmament (SSOD)

As you are aware, the United Nations General Assembly will be meeting in a Special Session on Disarmament from May 23 to June 28, 1978. Three meetings of the Preparatory Committee for the SSOD

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, FRC #383-98-0143, Bureau of Multilateral Affairs, Chemical Weapons, Disarmament, and CTB Files, 1970-85, Box 3, UN Special Session on Disarmament, Working Paper on International Mechanisms for Disarmament, August 1976-July 1978. Confidential. Copies were sent to Gilligan, George Brown, and Turner.

(PrepCom) have already been held and a fourth is now going on, through the end of this month. A final PrepCom is scheduled to begin April 10, lasting about two weeks.

The United States has taken a positive approach to the SSOD both in private discussions and in public. In addressing the United Nations Permanent Representatives on March 17, 1977,<sup>2</sup> President Carter said, “Working with other nations represented here, we hope to advance the cause of peace. We will make a strong and positive contribution at the upcoming Special Session on Disarmament (of the UN General Assembly), which I understand will commence next year.”

As the Special Session itself approaches, there is a need for the U.S. Government to develop positions on substantive issues now being debated in the PrepComs, and to formulate plans for U.S. participation in the SSOD, including initiatives that the United States may wish to put forward unilaterally. Therefore, there should be established under the NSC Special Coordination Committee an interagency committee to coordinate the U.S. Government’s activities with respect to the SSOD. You should designate a representative to this committee with a rank equivalent to and not lower than that of Deputy Assistant Secretary. The Arms Control and Disarmament Agency will be the lead agency for SSOD matters, and will chair the Backstopping Committee which will refer policy issues to the SCC for guidance.

I would appreciate your communicating to the Director of the Arms Control and Disarmament Agency the name of your representative on the SSOD Backstopping Committee at your earliest convenience. The NSC staff representative will be Samuel P. Huntington.

**David Aaron**

*Deputy Assistant to the President for National Security Affairs*

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<sup>2</sup> See footnote 4, Document 473.

**480. Note From President Carter to Secretary of State Vance and the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, February 27, 1978

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We need to evolve soon US position re UN Disarmament Conference. We're in danger of being clobbered by all nations for arms sales & by Soviets on ER weapons.

J.C.

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<sup>1</sup> Source: Department of State, Executive Secretariat Files, Lot 84D161, Box 1, Miscellaneous. No classification marking. Carter hand-wrote the note. Brzezinski forwarded the note under cover of a February 27 memorandum. (Ibid.)

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**481. Memorandum From Secretary of State Vance and the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, March 2, 1978

SUBJECT

Special Session on Disarmament

In your note of February 27<sup>2</sup> you expressed concern about (1) our overall position at the UNGA's Special Session on Disarmament (SSOD) next May/June; and (2) our vulnerability in the SSOD context on arms sales and ER weapons issues.

We have committed ourselves to a positive and forthcoming approach to the Special Session. We intend to be receptive to the views of others and to put forward new ideas of our own at New York.

To carry out this approach we are working on a three point program:

I. Working from the base of our current arms control policies we are developing guidance for our SSOD delegation which will en-

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 2-5/78. Secret.

<sup>2</sup> See Document 480.

courage support for these policies and which will exploit positive achievements. We will emphasize our SALT and CTB efforts, our non-proliferation programs, and our CW and RW negotiations.

II. Recognizing that our current efforts in the disarmament field cannot produce sufficient demonstration of momentum by the time of the SSOD, we are examining what possible specific arms control initiatives the US might be able to put forward which would have merit in themselves and which would strengthen our overall position. Proposals being considered include: (1) Cut-off by nuclear weapons states in the production of fissionable materials for weapons use; (2) Some forms of preferential assistance for peaceful use of nuclear energy by countries that have adhered to the NPT; (3) An international agreement for reporting on nuclear accidents; and (4) A proposal to meet Third World demands that the developed countries recognize a relationship between savings from disarmament and economic and social development.

These possible initiatives are being analyzed carefully to determine their feasibility and effectiveness. We will also have to weigh how we will surface any one or more of them that we finally approve. The disarmament-development initiative represents at once an area of great interest among the LDC's and the area in which it will be difficult for us to advance a sufficiently specific proposal.

III. We will be instructing our delegation for the final session of the SSOD Preparatory Committee (PrepCom) session in April so they can play an active role in developing draft language for a Declaration on Disarmament and a Program of Action, key elements of a final SSOD document. We are also consulting with Allies and a number of non-aligned states on the question of possible modifications in the multi-lateral disarmament machinery (the UN and the CCD).

Our soundings thus far and our experience at the meetings of the PrepCom, the most recent of which ended on February 24, have convinced us that Third World expectations are extremely high. What the non-aligned—led by India and Yugoslavia—really want is for the US and Soviets to come to some sort of agreement that will constitute a “breakthrough” in the direction of nuclear disarmament. This expectation goes beyond SALT and CTB agreements, which they assume will be achieved by that time and, thus, the Soviet proposal for a ban on ER weapons would likely find a receptive audience. If SALT and CTB are still pending, we can expect an even greater sense of disillusionment among the non-aligned and greater difficulty in promoting our other arms control objectives in the SSOD.

On their part, the non-nuclear weapon states want to receive assurances that nuclear weapons will not be used against them. Two Allied

countries—Canada and the UK—are planning to propose formulas providing such assurances at the Special Session.

Most UN member states want to have a greater voice in disarmament decisions. While we want to be responsive to this desire, we intend to protect the negotiating effectiveness of bodies such as the CCD.

We are fully conscious of these considerations as we move forward in our planning.

Obviously, a six-week conference of 140 nations is not an effective context within which specific arms control agreements can be negotiated, and thus major breakthroughs cannot be expected. At best, we can hope to start a process which may lead to significant progress in subsequent negotiations. While offering constructive initiatives ourselves, therefore, we will also seek to moderate or reduce unrealistically high expectations on the part of the LDC's and non-governmental organizations.

All of our work is now being carried out in the Interagency Backstopping Committee, chaired by ACDA, which the NSC recently established. We recognize that if we are to achieve our goals, we must accelerate our preparations. We will have to be able to respond to others' initiatives as well as to field our own. It's clear that key SSOD policy issues will have to be addressed very soon by all interested agencies at high levels.

On the two specific issues which you raised in your memorandum we have the following observations:

*Arms Sales.* At the several PrepCom meetings that have been held and in ongoing bilateral and multilateral consultations, we have sought support for universal adherence to conventional arms transfer restraint. There is substantial resistance among the LDC's to endorsing arms transfer restraints. We (and the other arms suppliers) must expect to take some flak at New York on this issue, unless we can succeed in making the case that all nations would profit from restraints that reduce risks and costs while permitting legitimate defense needs to be met.

*ER Weapons.* We have proposed to our Allies that we link ER weapons and arms control in a way that would offset anticipated Soviet propaganda at the SSOD.<sup>3</sup> Our proposal would focus attention on the modernization of the Soviet theater nuclear system and would involve a ER Weapon/SS-20 tradeoff. While there was general agreement at the last NAC (February 24) that an arms control strategy for ER

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<sup>3</sup> Not found.

weapons is needed,<sup>4</sup> additional consultations will be required before we can come up with a NATO position. Most of our Allies, including Bonn, agree with us on the need to put the ER decision behind us before the SSOD and the NATO summit.

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<sup>4</sup> Not found.

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**482. Memorandum From Secretary of State Vance and the  
Director of the Arms Control and Disarmament Agency  
(Warnke) to President Carter<sup>1</sup>**

Washington, March 27, 1978

Subject

The US Position on Cut-off in Production and Transfer of Fissionable Materials  
for Use in Nuclear Weapons

We believe that an interagency study should be completed as soon as possible on the desirability of proposing at the UN Special Session on Disarmament (SSOD), negotiations on a cut-off in the production of fissionable materials for nuclear weapons. We should also study the desirability of transferring agreed amounts of enriched uranium from US and Soviet weapon stockpiles to peaceful purposes. Even without a transfer, a cut-off agreement would represent a major step in our efforts to halt and reverse the nuclear arms race.

*[4½ lines not declassified]*

While a preliminary assessment by ACDA concludes that such an agreement could advance US security interests,<sup>2</sup> we believe a comprehensive examination of the issues involved in cut-off and transfer should be undertaken immediately by all appropriate Executive Branch departments and agencies. The impact on US nuclear force planning options should be analyzed under a variety of possibilities, ranging from projections of likely force levels to various higher options. We should assess the impact on Soviet capabilities, and the extent

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<sup>1</sup> Source: Library of Congress, Manuscript Division, James Schlesinger Papers, Box 1, Chronological File, 1978 Apr. 1–22. Secret; Restricted Data. Vance did not initial the memorandum.

<sup>2</sup> Not found.

to which such constraints on the Soviets would reduce our own requirements. A cut-off and transfer proposal would involve important national security issues, but we believe this Administration's commitment to nuclear arms control requires that we give the most serious consideration to reaffirming our previous proposals in this area.

A cut-off proposal has been advanced in various forms by four previous US Administrations, beginning with that of President Eisenhower. We will have to face this issue in any event at the Special Session, for it is part of the Program of Action of the non-aligned, and may be advanced as a suggestion by some of our allies as well.

A cut-off and transfer would be complementary to SALT TWO and a Comprehensive Test Ban, and could be presented as a logical follow-on to those treaties. Together with these ongoing efforts, it is regarded by non-nuclear weapon states as one of the primary requirements to maintain and strengthen the NPT and the overall non-proliferation regime. Proposing such negotiations would demonstrate our intention to deal ultimately with a central issue of nuclear disarmament—halting the continued production and stockpiling of nuclear weapons. As such, it directly addresses the concerns expressed by Prime Minister Desai and hence would improve the prospects for obtaining Indian acceptance of full scope safeguards—one of our priority non-proliferation objectives.

It is not clear that reaffirming a cut-off and transfer proposal would lead to productive negotiations with the Soviets. They have in the past rejected the cut-off, and Brezhnev's November 2 proposal for a halt in the production of nuclear weapons,<sup>3</sup> beginning with a ban on "neutron weapons," carries obvious difficulties for the US. The likely Soviet rejoinder would be a call for negotiation of a production ban on nuclear weapons as well as on fissionable materials. They have informally indicated to us in New York during the Special Session Preparatory Committee meetings that a cut-off could be a corollary to a weapons production ban. We could counter that such a ban applicable to all nuclear weapons states appears unattainable now, but as evidence of our desire for progress, the US stands ready to initiate discussions now on materials cut-off.

We could also consider transferring an agreed quantity of highly enriched uranium from our special nuclear weapons material stockpile, diluted to lower enrichments, to applications supporting US non-proliferation objectives (e.g. research on more proliferation-resistant fuel cycles). This offer could be conditioned on Soviet willingness to do

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<sup>3</sup> The "Address by President Brezhnev Before the Central Committee of the CPSU: Halting the Production and Testing of Nuclear Weapons [Extract]," November 2, 1977, is in *Documents on Disarmament, 1977*, pp. 679–680.



the same. Such a materials transfer would serve disarmament and non-proliferation objectives, and it is something specific that could be accomplished sooner than a cut-off agreement.

Despite the uncertain prospects for early completion of negotiations on a cut-off, it would be productive to make such a proposal at the SSOD, and would give substance to our expressed desire to move in the direction of nuclear disarmament. It would also help to fulfill the pledge you made to the General Assembly last March that the US would make a strong and positive contribution to the SSOD.<sup>4</sup>

As has been the case when the US has advanced the proposal in the past, the United Kingdom has expressed some concern about the idea of a cut-off proposal because of the effect such an agreement could have on its nuclear weapons program. This concern might be eased by extensive advance consultations and by initially proposing only US-Soviet exploratory discussions. Should such discussions take place and provide the basis for beginning serious negotiations, we would again consult with the UK to see whether their concerns could be met adequately.

It should be noted that while *any* inspection of Soviet territory would be difficult to negotiate, one of the advantages of our present cut-off proposal is that on-site inspection requirements would be handled by an *international* body (IAEA). Furthermore, such inspection would be limited to safeguards to preclude the diversion of nuclear materials to weapons purposes. Previous US proposals (in the 1960's) had included IAEA inspection of shutdown military facilities, as well as civil facilities, and US adversary inspection rights for suspected clandestine activity—both of which were strongly opposed by the Soviets. [7 lines not declassified] This is a critical issue that should also be addressed in the interagency study.

We recommend that you sign the memorandum at Tab 1<sup>5</sup> directing the preparation of an interagency study of the issues involved in reaffirming at the SSOD US proposals to negotiate an adequately verified cut-off and transfer agreement.

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<sup>4</sup> See footnote 4, Document 473.

<sup>5</sup> Not attached.

**483. Memorandum from Secretary of Defense Brown to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, March 31, 1978

SUBJECT

U.S. Position on Cut-Off in Production and Transfer of Fissionable Materials for Use in Nuclear Weapons

Yesterday, I was informed that a memorandum for the President had been sent to the National Security Council staff asking that an interagency study be conducted on the desirability of proposing at the UN Special Session on Disarmament (SSOD) negotiations on a cut-off of fissionable materials for nuclear weapons and the transfer of enriched uranium from stockpiled weapons to non-aligned nations for peaceful purposes.<sup>2</sup> I agree that a thorough analysis of these important issues may be useful. However, I do not believe that it would be in our best interest at this time to initiate a chain of events that is implicitly assumed to lead to a reaffirmation of a cut-off or transfer proposal of the sort we first made in 1963, at the upcoming SSOD. Rather, we should await the outcomes of the current CTB and SALT negotiations before we consider proposals to further constrain our freedom of action in the nuclear weapons area. Only when these negotiations are completed will we have a firm understanding of our future weapons needs and be in a position to address a cut-off of production of fissionable materials.

The strategic situation has changed since the United States first advanced a cut-off proposal in 1963.<sup>3</sup> At this time, we enjoyed a significant advantage over the Soviet Union in terms of nuclear weapons materials. [6½ lines not declassified] The potential political advantages of reaffirmation of the cut-off and transfer proposal must be weighed against current and projected U.S. need. The projections of requirements may have to be modified based on SALT outcomes. We must avoid being constrained on future weapons decisions because of a lack of availability of weapons grade materials.

To meet the fissionable material requirements of the FY 78–80 Nuclear Weapons Stockpile Plan approved by the President in PD/

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 2–5/78. Secret; Restricted Data.

<sup>2</sup> See Document 482.

<sup>3</sup> See *Foreign Relations*, 1961–1963, vol. VII, Arms Control and Disarmament, Document 313.

NSC–26<sup>4</sup> and the FY 81–85 projections as noted by the President will require all the material currently available, plus the output of the Department of Energy's three operating production reactors through 1985. Should a SALT agreement not be reached, options to increase rapidly our strategic forces capability by beginning new or accelerating planned systems (e.g., SLCMs, GLCMs, CMC) are likely to require all the above material and the restart of some reactors currently maintained in standby status. In addition, some strategic options such as the MX<sup>5</sup> would require more highly enriched uranium than is currently available for the weapons program. Thus, a cut-off or mandated transfer out of stockpiles could pre-empt our ability to deploy systems currently under development. Additionally, continued production of tritium is mandatory to maintain operational warheads now stockpiled.

[1½ lines not declassified] The Soviets have consistently opposed IAEA safeguards for any of their facilities. It is therefore unlikely that they would agree to any intrusive verification provisions that allowed for on-site inspection. [7 lines not declassified]

In addition to the technical difficulties associated with a cut-off initiative, the diplomatic utility of such an effort is also open to serious question. The U.S. has offered similar proposals on at least four other occasions, and the Soviets have rejected each one. It is no more likely that the U.S.S.R. will accept this initiative than it has the others. Given that this initiative would be only a reintroduction of a very old idea that has never produced any tangible results, and given that the Soviets are likely to respond negatively, the effort could be attacked by some non-nuclear weapon states as a calculated and empty gesture on the part of the United States.

Some of our closest allies appear to be opposed to the idea of a cut-off or transfer. For example, the British, in reaction to a similar Canadian proposal, argued in February<sup>6</sup> that a cut-off would be "injurious to the development and refurbishment of UK nuclear weapons," and thus harmful to the UK as well as the NATO nuclear deterrent. They noted that a cut-off would be [*less than 1 line not declassified*] and went so

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<sup>4</sup> Presidential Directive/National Security Council-26, "FY1978–1980 Nuclear Weapons Stockpile," December 27, 1977, is scheduled to be printed in *Foreign Relations, 1977–1980*, vol. IV, National Security Policy.

<sup>5</sup> The proposed MX (Missile Experimental) Missile was a Multiple Independently Targeted Re-entry Vehicle (MIRV) nuclear weapon that the Carter administration considered deploying on railroad tracks as a mobile system. For more on the MX, see *Foreign Relations, 1977–1980*, vol. IV, National Security Policy, and *Foreign Relations, 1969–1976*, vol. XXXIII, SALT II, 1972–1980, Documents 80, 81, 130, 188, 191, 197, 205, 236, 239, and 244.

<sup>6</sup> The British objection to the Canadian proposal is in telegram 2787 from London, February 17. (National Archives, RG 59, Central Foreign Policy File, D780074–0713) The Canadian proposal was not found.

far as to enlist U.S. support in helping dissuade the Canadians from pursuing this proposal.

There are clearly major differences of view among the various agencies, about the national security effects, political feasibility, relative effect on U.S. and Soviet stockpiles, and verifiability of such an initiative. It is unfortunate that lack of prior consultation with the Department of Defense in the formulation of the memorandum has prevented any attempt to compose them before it was forwarded to the President for his decision.

The Chairman of the Joint Chiefs of Staff shares these views.

**Harold Brown**

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**484. Memorandum from Secretary of Energy Schlesinger to the President's Assistant for National Security Affairs (Brzezinski)<sup>1</sup>**

Washington, April 1, 1978

SUBJECT

The Vance-Warnke Proposal Regarding a Cut-off of Production and Transfer of Fissionable Materials<sup>2</sup>

I have now had a chance to peruse the subject memorandum on fissionable materials production cut-off and transfer. My comments are as follows:

1. Given a production cut-off, there is no way, repeat *no way*, to fulfill the stockpile objectives embodied in the Presidentially-approved nuclear-weapon stockpile paper.

2. The alternatives facing the President under such conditions would be simple. We could fail to produce the weapons for the strategic forces—the Trident, Minuteman III upgrade, and the Cruise Missile—prospectively entering into inventory. Alternatively we could achieve constraint by a substantial drawdown of tactical weapons. This would imply a significant withdrawal from the [*number not declassified*] weapons now deployed in Europe with all that that would entail for

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<sup>1</sup> Source: Library of Congress, Manuscript Division, James Schlesinger Papers, Box 1, Chronological File, 1978 Apr. 1–22. Secret.

<sup>2</sup> See Document 482.

Alliance relationships and the MBFR negotiations. Additionally, we might attempt to straddle the issue by some drawdown from the tactical weapons stockpile while reducing strategic force objectives.

3. One of the Savannah River reactors now is devoted to the production of tritium. A cut-off of tritium production, since it has a half life of 12.5 years, and has to be replaced every 4 to 8 years, would essentially eliminate stockpile effectiveness in a few years.

4. Substantial production of highly enriched uranium (HEU) is indispensable for fueling the nuclear navy. While the proposal is obscure on this point (since it would presumably cover all such materials that could be used in weapons), it seems difficult to imagine that we would accept conditions in which we were unable to provide sufficient fuel for Polaris, Poseidon and other nuclear powered vessels.

5. [5½ lines not declassified] To suggest that the IAEA, with minimal clout, a spotty track record, and modest resources, could enforce such an agreement strikes me as quixotic.

6. Given the requirement for some reactor products (i.e., one or two operating reactors to produce tritium to maintain operable weapons) and given the requirement for highly enriched uranium production to provide fuel for naval reactors, any agreement acceptable to us would imply the type of qualifications and ambiguities which the Soviets could continuously exploit in raising questions regarding *our* compliance.

7. Weapons production by the Department of Energy is responsive to DOD requirements as established by the President. Our force structure is designed in response to national security objectives, which are themselves constrained by ratified arms control agreements such as SALT I and prospectively SALT II. It would seem to me that the appropriate initial determination is that of the force structure. Requirements for weapons and, derivatively, for fissionable materials should flow from that initial determination—without the imposition of an arbitrary limitation on materials. We can be assured that the Soviets will not fail to derive their fissionable material requirements in this manner. We should take care to avoid haphazardly constraining our own force structure through such a Procrustean device.

8. While I have no inherent difficulty with a study of the issue, since it is likely (for the reasons developed above) to put to rest this type of long speculated-on initiative, I do have serious concern with the proposed crash-effort study. The Special Session on Disarmament has long been scheduled. Why could not this issue have been developed in an orderly manner, rather than accept the risks attendant in attempting to cram such a study into three weeks time?

**485. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance, Secretary of Defense Brown, Secretary of Energy Schlesinger, the Director of the Arms Control and Disarmament Agency (Warnke), the Chairman of the Joint Chiefs of Staff (Jones), the Director of Central Intelligence (Turner), and the Director of the Office of Science and Technology Policy (Press)<sup>1</sup>**

Washington, April 4, 1978

SUBJECT

Study of Initiatives at the SSOD on Cut-Off and Transfer of Fissionable Materials for Use in Nuclear Weapons

In March of last year, the President pledged a strong and positive US contribution to the UN Special Session on Disarmament.<sup>2</sup> In view of this commitment and the fact that several participants are likely to raise the issue of an agreement halting the production of fissionable materials which can be used for nuclear weapons (cut-off) and transferring highly enriched uranium from the weapon stockpile to peaceful purposes (transfer), it is important that we fully analyze the possible impacts and implications of such proposals on US national security interests, including our interest in nuclear arms control, and the desirability of possible US cut-off or transfer initiatives. Therefore, a study should be undertaken to include a discussion of the following:

- Review of past US cut-off/transfer proposals and the circumstances surrounding them;
- Assessment of US and Soviet special nuclear materials stockpiles and trends;
- The impact on future US nuclear forces (from projections of likely force levels to various high options);
- The impact on future Soviet nuclear forces;
- The impact on the overall US-USSR military balance;
- Relationship to other arms control activities;
- An assessment of possible verification systems and their adequacy;
- Possibilities for recovery of nuclear material from the current stockpile and the pipeline;
- Special problems (e.g., tritium production, naval reactors);
- Allied views and interests;
- Soviet attitudes; and

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 2-5/78. Secret.

<sup>2</sup> See footnote 4, Document 473.

—Views and actions of non-aligned and non-nuclear-weapon states (particularly in the SSOD context and from the perspective of US non-proliferation policy).

The study should be prepared by an ad hoc working group of the Special Coordinating Committee and should be submitted no later than April 28, 1978.

**Zbigniew Brzezinski**

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#### **486. Summary of Conclusions of a Mini-Special Coordination Committee Meeting<sup>1</sup>**

Washington, April 20, 1978, 10:30–11:45 a.m.

##### Subject

UN Special Session on Disarmament

##### Participants

###### *State*

Gerald Helman

Jerome Kahan

David Gompert

###### *Defense*

Lynn Davis

Susan Flood

###### *ACDA*

Adam Yarmolinsky

Lawrence Weiler

Charles Flowerree

###### *JCS*

Lt. Gen. Arnold Braswell

###### *CIA*

Sayre Stevens

George Allen

###### *AID*

Alexander Shakow

Mary Jane Heyl

###### *Energy*

Donald Kerr

Ray E. Chapman

###### *White House*

David Aaron

###### *NSC*

Samuel Huntington

Robert Putnam

The question of whether or not the President should speak at SSOD depends heavily on the content of the US presentation. If he is to speak, it is highly desirable that the presentation not be limited to

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 117, SCM 013, Mini-SCC, SSOD: 4/20/78. Confidential. The meeting took place in the White House Situation Room. Draft minutes of the meeting are *ibid*.

the sorts of initiatives currently under study. A Presidential address should offer an ambitious 10-Year Disarmament Program, outlining long range goals and objectives for enhancing global security in such areas as strategic arms control and regional stability. ACDA will pull together agency suggestions for a 10-Year Disarmament Program into a draft for NSC review within the next week. No final decision was taken on the date for the US presentation.

A proposal for extending negative security assurances beyond the President's statement of October, 1977,<sup>2</sup> is now being put into final form. Regional bureaus and JCS are particularly concerned about the impact of such an initiative on relations with our allies. More complete information is needed about the probable reactions of key allies. Some of this information may be obtained from the May 2 meeting of NATO disarmament experts, at which the UK proposal for negative security assurances may be discussed. When more information on allied attitudes is available and when the options paper has been completed, the issue will be raised for consideration at the SCC.

The "eyes and ears of peace" proposal for US technical assistance for regional peace-keeping will be considered in the Backstopping Committee next week.<sup>3</sup> Agencies were urged to make any technical objections to the proposal as precise as possible.

Further consideration of our treatment of ERW at SSOD will be postponed until additional policy guidance is available.

Within the next week, interagency agreement within the Backstopping Committee is anticipated on initiatives on regional confidence-building measures, nuclear accident reporting, and preferences for NPT parties. (The offer of fuel cycle services has been deleted from the latter proposal.) Views of State/EA will be solicited on the nuclear accidents initiative. A split paper is anticipated on the Disarmament/Development proposal for a UN Special Development and Security Fund. All these proposals, as well as the report of the group studying the cutoff proposal, will then be submitted to the SCC for decision or endorsement.

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<sup>2</sup> On October 4, 1977, Carter told the UN General Assembly that "In order to reduce the reliance of nations on nuclear weapons, I hereby solemnly declare on behalf of the United States that we will not use nuclear weapons except in self-defense; that is, in circumstances of an actual nuclear or conventional attack on the United States, our territories, or Armed Forces, or such an attack on our allies." (*Public Papers: Carter, 1977*, pp. 1715-1723)

<sup>3</sup> Reference is to a NSC proposal that the United States provide equipment to monitor compliance with disarmament agreements to nations or regions who requested such assistance.



**487. Memorandum of Conversation<sup>1</sup>**

Moscow, April 21, 1978, 6:30–8:00 p.m.

**SUBJECT**

Vance-Gromyko Meeting

**PARTICIPANTS***U.S.*

Secretary of State Vance  
Ambassador Malcolm Toon  
Ambassador Paul C. Warnke  
Ambassador Ralph Earle, II  
Mr. Leslie H. Gelb  
Ambassador Marshall D. Shulman  
Mr. Reginald Bartholomew  
Lt. Gen. Edward L. Rowny  
DAS of Def. Walter B. Slocomb  
Mr. Mark Garrison  
Mr. William D. Krimer  
(Interpreter)

*U.S.S.R.*

Foreign Minister Gromyko  
First Deputy Foreign Minister  
Korniyenko  
Dep. Foreign Minister Semenov  
Ambassador A.F. Dobrynin  
Marshal N.V. Ogarkov  
Col.-Gen. M.M. Kozlov  
Mr. V.G. Makarov  
Mr. N. Detinov  
Mr. V.M. Sukhodrev, Interpreter  
Mr. A.A. Obukhov, Note Take  
Mr. V.F. Isakov, Note Taker

[Omitted here is discussion unrelated to the Special Session on Disarmament.]

**SSOD**

*Gromyko* noted that the U.N. Special Session on Disarmament would be convened shortly. He did not know how the Secretary viewed it, and what he thought the prospects were for a successful outcome. If the Secretary had any ideas on this score, he would be pleased to hear them. The Soviet side regarded the SSOD as a broad worldwide forum, and would, of course, set forth its views on disarmament in that forum. It would be very good if the countries of the West as well as the East approached the SSOD in a serious and businesslike manner and adopted positive decisions on the questions involved. The important thing, of course, was not just to adopt decisions but also to implement them. The U.N. adopts quite a few good decisions, but subsequently, when the Secretary General circulates them to member governments, all too often they pile up on desks in various government offices and nothing much happens. He was not trying to reproach anyone in this regard, but simply would not like to see this happen in the case of the SSOD. As he had said, the Soviet side attached great importance to the

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Special Adviser to the Secretary (S/MS) on Soviet Affairs Marshall Shulman—Jan 21, 77–Jan 19, 81, Lot 81D109, Box 8, Vance to Moscow, April 1978. Secret; Sensitive; Nodis. The meeting took place at the Kremlin. Drafted by William Krimer. The memorandum of conversation is printed in full in *Foreign Relations, 1977–1980*, vol. VI, Soviet Union, Document 102.

SSOD and believed that it should in no way be used to belittle a subsequent World Disarmament Conference.

*The Secretary* said that he felt very strongly that the SSOD was of great importance. We very much hoped that somehow positive and concrete decisions can come out of the SSOD and that it not simply end up in general statements that had no flesh and bone. Some other unnamed countries have submitted proposals that could not be understood. However, he believed it possible to make real progress at that conference. Ambassador Leonard would be coming to Moscow on the 27th of this month in order to talk to Gromyko's people about the SSOD. At the United Nations he is working on our preparations for the Special Session.

*Gromyko* said that Soviet representatives would be prepared to discuss the various issues with Ambassador Leonard.

[Omitted here is discussion unrelated to the Special Session on Disarmament.]

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#### **488. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>**

Washington, May 5, 1978, 10:00–11:30 a.m.

##### Subject

United Nations Special Session on Disarmament

##### Participants

###### *State*

Mr. David Newsome  
Under Secretary for Political  
Affairs

Mr. Jerome Kahan  
Deputy Director, Bureau of  
Politico-Military Affairs

Mr. Gerald Helman  
Deputy Assistant Secretary  
for Political and Multilateral  
Affairs

###### *USUN*

Ambassador James F. Leonard  
U.S. Deputy Representative  
to the United Nations

###### *ACDA*

Mr. Spurgeon Keeny  
Deputy Director of ACDA

Mr. Adam Yarmolinsky  
Counselor for ACDA  
Ambassador Lawrence Weiler  
U.S. Coordinator for SSOD

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 93, SCC 072, SSOD—U.S. Initiatives, Goals, and Strategies: 5/5/78. Secret. The meeting took place in the White House Situation Room.

*Defense*

Deputy Secretary Charles Duncan  
Mr. David McGiffert  
Assistant Secretary for  
International Security Affairs

*JCS*

Lt. General William Smith

*CIA*

Admiral Stansfield Turner  
[name not declassified]  
Acting Assistant NIO for  
Special Studies

*Energy*

Dr. Donald Kerr  
Acting Assistant Secretary  
for Defense Programs

*AID*

Governor John Gilligan  
Mr. Alexander Shakow  
Assistant Administrator for  
Program and Policy  
Coordination

*White House*

Dr. Zbigniew Brzezinski

*NSC*

Mr. Reginald Bartholomew  
Dr. Samuel Huntington  
Mr. Robert Putnam

It would be desirable to develop for a possible Presidential address at SSOD a generalized statement of ten-year disarmament goals, particularly stressing a gradual scaling down of Soviet and American strategic forces, with provision for participation by other nuclear powers in the later phases of this process. However, it is not appropriate at this point to include specific numerical targets, because there is not time to complete the necessary staffing and consultations before SSOD. The SALT Interagency Working Group is asked to develop over the next several months a series of specific targets as a framework for considering future steps in strategic arms control.

This Administration has compiled a strong record in the field of arms control, and some participants thought it possible that a Presidential address could be crafted that would recount this record and add some new elements or initiatives, without outlining a full-fledged Ten-Year Program. It was agreed that any US address at SSOD should refer to NATO and to the complementarity between arms control and defense policy, both contributing to national security.

The meeting considered six specific possible US initiatives at SSOD.<sup>2</sup> The proposal on stabilizing measures was approved. The proposal on ACIS was disapproved. The proposal on peaceful nuclear cooperation was approved, subject to consultations with OMB and Congress. (It will be necessary to resolve a few details involving the funding of fuel cycle services and the working of Ex-Im preference for NPT parties.)

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<sup>2</sup> The six initiatives are summarized in a May 4 memorandum from Huntington and Putnam to Brzezinski. (Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 2–5/78)

Concern was expressed about the probable adverse Chinese reaction to the proposal on nuclear accident reporting, particularly since it might appear directed at the PRC. It was agreed to ask the UKUN to broach with the PRC the relevant proposal in the UK draft Program of Action. If the PRC's reaction is not adverse, USUN would then approach the PRC directly on the proposal. The proposal would be included in the US SSOD presentation only if the PRC did not object.

Concern was expressed about the psychological impact of the proposed negative security assurances in NATO, in Korea, and perhaps elsewhere. It was agreed that the US would consult with South Korea, with Japan, and with the FRG on this subject, using as the basis of the consultation the current UK proposal, the language of which is similar to the language of the proposed US declaration. A later SCC meeting would, in the light of these consultations, decide whether or not to go forward with the initiative. If the decision was affirmative, we would first privately inform Israel and Iran and reassure them that the declaration would not impair our existing commitments to their security. The question of the exact language of the proposed US declaration—whether or not to include “or threaten to use”—was deferred.

There was general agreement with the objective of establishing a link between development aid and disarmament efforts, but it would be premature to commit ourselves to the proposed fund for this purpose. Instead, the US should express general support for a multilateral effort to define criteria which would permit the preferential use of development aid to reward states that make significant arms control and disarmament efforts.

The NSC staff will coordinate a revision of the existing PM draft speech<sup>3</sup> to encompass the decisions reached at this meeting, including a generalized statement of a ten-year disarmament program and reference to the approved initiatives, with the pending initiatives bracketed. A meeting of the SCC will be held next week to consider, first of all, the substance of the redrafted speech, its impact on related Administration policies (e.g., defense, NATO), and whether or not it would justify a Presidential appearance at SSOD. In addition, the agenda for the SCC will include the cutoff/transfer proposal now being studied by the Marcum committee, the “eyes and ears of peace” proposal, and possible follow-up action on negative security assurances and nuclear accident reporting. The SCC may also consider US responses to potential adverse initiatives from other powers at SSOD.

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<sup>3</sup> Not found.

**489. Summary of Conclusions of a Special Coordination Committee Meeting<sup>1</sup>**

Washington, May 12, 1978, 9:00–10:00 a.m.

## Subject

United Nations Special Session on Disarmament

## Participants

*State*Mr. David Newsome  
Under Secretary for Political  
AffairsMr. Jerome Kahan  
Deputy Director, Bureau of  
Politico-Military AffairsMr. Gerald Helman  
Deputy Assistant Secretary  
for Political and Multilateral  
Affairs*Defense*Deputy Secretary Charles Duncan  
Mr. David McGiffert  
Assistant Secretary for  
International Security Affairs*JCS*

Lt. General William Smith

*CIA*Dr. Sayre Stevens  
Deputy Director, National  
Foreign Intelligence  
Assessment Center*OSTP*Dr. Frank Press  
Mr. John Marcum  
Senior Staff Analyst*ACDA*Mr. Spurgeon Keeny  
Mr. Adam Yarmolinsky  
Counselor for ACDA  
Ambassador Lawrence Weiler  
U.S. Coordinator for SSOD*USUN*Ambassador James F. Leonard  
U.S. Deputy Representative  
to the United Nations*AID*Mr. Robert H. Nooter  
Deputy Administrator—  
Acting Administrator*OMB*

Mr. James McIntyre

*White House*Dr. Zbigniew Brzezinski  
Mr. David Aaron*NSC*Dr. Samuel Huntington  
Mr. Robert Putnam

On the basis of the SCC *ad hoc* Working Group report,<sup>2</sup> the meeting addressed the issue of whether or not the US should offer at SSOD a proposal for a cutoff of the production of fissionable materials for use in nuclear weapons. ACDA, supported by USUN, favored such an initiative. All other agencies opposed such an initiative, several of them (including DOD) expressing strong opposition. If other countries offer

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<sup>1</sup> Source: Carter Library, National Security Council, Institutional Files, Box 93, SCC 074, SSOD—U.S. Presentation and Initiative: 5/5/78. Secret. The meeting took place in the White House Situation Room.

<sup>2</sup> Not found.

cutoff proposals, several agencies (including State) would recommend that the US agree to noncommittal consultations on the subject. Another meeting will be held next week to further consider possible US responses to cutoff proposals from other countries.

The meeting reviewed a draft speech for SSOD,<sup>3</sup> agreeing on a number of textual changes that will be reflected in the next draft. The section on defense and NATO should be strengthened, particularly if the President delivers the speech. Generalized wording on a scale-down in strategic arms was accepted. The meeting confirmed that the initiative on nuclear accidents reporting will be offered if and only if the PRC does not express opposition in our bilateral consultations. Details of the peaceful nuclear cooperation initiative will be omitted from the speech. Agencies will suggest alternative wording for the section on disarmament/development.

After receiving a report that key allies had not objected to the idea of US negative security assurances that would go beyond the President's October 1977 statement,<sup>4</sup> the meeting discussed alternative formulations for the proposed assurances. The tentatively agreed formulation is:

The United States will not use nuclear weapons against any non-nuclear weapon state party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies by such a state allied to a nuclear weapons state, or associated with a nuclear weapon state in sustaining or carrying out the attack.

If the President approves this proposed declaration, we will inform Israel, Iran, and our allies of the proposed declaration. (JCS opposed any change in the statement of October 1977.)

The proposal for US technical assistance for regional confidence-building and peace-keeping ("eyes and ears") was approved, provided that (1) the assistance be offered under UN or regional peace-keeping auspices; (2) references to U-2s be deleted; (3) non-military capabilities be used to the extent possible; and (4) there be a further review of budgetary implications.

Some strong support was expressed for a Presidential appearance at SSOD, as evidence of his continued commitment to arms control and disarmament. However, some concern was expressed about the implications of the proximity of an SSOD appearance and the NATO Summit.<sup>5</sup> Both international and domestic considerations will be laid out as the basis of a Presidential decision on the question.

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<sup>3</sup> Not found.

<sup>4</sup> See footnote 2, Document 486.

<sup>5</sup> The NATO Summit was scheduled to be held in Washington May 30-31.

**490. Memorandum from Secretary of Defense Brown to President Carter<sup>1</sup>**

Washington, May 15, 1978

**SUBJECT**

## Fissionable Material Cutoff

I believe that to make a US initiative at the SSOD urging fissionable material cutoff would be a mistake. It would introduce additional uncertainties into our own planning, particularly those for air-launched (and other) cruise missiles, Trident II, and M–X. In order to cope with our military needs, as well as with the (correct) perceptions that the Soviets are and will remain ahead in throw weight and in capabilities of their peripheral attack systems, we need to preserve our advantage in strategic warheads. This will not be easy in any event. But particularly because we can have more warheads while the Soviets have more throw weight only if our warheads are smaller than theirs, we will have to use more fissionable material per warhead.

The absence of a reasonable assurance of verification without intrusive control measures would make a successful negotiation difficult, at the least. Moreover, proposals that rely on dubious verification measures undermine the whole concept of arms control.

Though the United States position has favored a fissionable material cutoff in principle for a long time, the situation, including the balance between the US and the Soviet Union, has changed very substantially since twenty or even ten years ago. What might then have been an arrangement freezing us into superiority is by no means any longer the case; indeed, we may, particularly in the light of verification problems, be freezing ourselves into a position of inferiority in availability of necessary fissionable material.

My own judgment would be that we should be prepared to listen sympathetically to proposals that others may make at the SSOD on this subject in principle, but we should not make any such proposal an important part of our position. Moreover, we should oppose proposals that negotiations on this subject should be initiated at this time on the grounds that there is already a full plate of arms control negotiations in train. If we did propose a cutoff, I think we will be subjecting ourselves to a great deal of internal conflict that would probably spill over into other, more important and more urgent, arms control issues.

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 2–5/78. Secret.

I attach a memo stating the position of the JCS, which is similar to but goes beyond my own.<sup>2</sup>

**Harold Brown**

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<sup>2</sup> Not attached.

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**491. Memorandum From the Director of the Arms Control and Disarmament Agency (Warnke) to President Carter<sup>1</sup>**

Washington, May 15, 1978

SUBJECT

SSOD Speech and the Cut-off Proposal

With regard to the proposed speech to the UN Special Session on Disarmament (SSOD), I strongly endorse Cy Vance's recommendation that you deliver the speech yourself. Failure to do so would be widely interpreted as a downgrading of your commitment to arms control, especially since the session will be addressed by numerous heads of state including Callaghan, Giscard, Schmidt, Trudeau, and Desai.

One item that I believe should be included in the speech is a renewal of the U.S. proposal for an adequately verified worldwide cut-off of fissionable material production for nuclear weapons. This proposal has been an essential element of U.S. disarmament policy for more than thirty years, and has been advanced in one form or another by five Presidents. In this context, I am particularly concerned by the suggestion that we not only refrain from advancing this proposal but actively oppose it when it comes up for discussion at the SSOD. There is no question but that this will be a major proposal (supported by the non-aligned and major allies such as Canada and Japan) in the program of

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<sup>1</sup> Source: National Archives, RG 383, Records of the Arms Control and Disarmament Agency, Office of the Director, Paul C. Warnke Files, December 1974–July 1979, Accession #383–98–0154, Box 1, Memoranda to the President Regarding SALT, Cruise Missiles, CTB, NPT, and Indian Ocean Arms Control, January–October 1978. Secret. Copies were sent to Vance and Christopher. Warnke hand-wrote an undated cover letter to the memorandum that reads “Dear Mr. President, I have discussed this with Cy Vance who agrees we should reaffirm—not disavow—our long-standing cut-off proposal. PCW.” (Ibid.) Warnke also forwarded the memorandum and the hand-written note to Vance on May 15. (Ibid.)



action of the SSOD. I believe it would be far better for you to present this proposal on our own terms, rather than for the U.S. to appear to have abandoned it—and eventually to have to respond to other nations' proposals less acceptable to us.

I am confident that such a proposal, particularly in a SALT/CTB regime, would be fully consistent with our national security interests and that such an agreement can be adequately verified. The proposal would be formulated to protect continued tritium production and fuel for nuclear propulsion.

Our offer to negotiate on the cut-off would contribute significantly to our non proliferation policy by rectifying the widely resented discriminatory situation where the nuclear powers continue to expand their nuclear arsenals and are not themselves subject to the inspection procedures we are pressing on non-nuclear weapon states. Conversely, a repudiation (explicit or implicit) of the long standing policy on cut-off would contribute to an international environment clearly counter-productive to our overall non-proliferation strategy. As you know, this point has been clearly articulated by Desai and other leaders of the non-nuclear weapons states. More fundamentally, failure to reaffirm this policy at some point during the SSOD would undercut the credibility of your call for worldwide reduction in nuclear forces. Finally, if we stand silent on this issue, we leave the initiative to the Soviets. They are expected to advance major proposals, foreshadowed by Brezhnev's proposed ban on the production of nuclear weapons,<sup>2</sup> which, although attractive internationally, would not be acceptable to the U.S.

While I recognize there are differences in the government on the impact of such a proposal on U.S. and Soviet forces, there is no question that it would presently constrain the USSR more than the U.S. and I believe on balance would clearly be in our national security interest, particularly in the context of SALT and CTB agreements. At present, we are producing no highly enriched uranium and relatively little plutonium for weapons, [8½ lines not declassified] For the U.S. to expand its stockpiles would require shifting capacity from low enriched production for power to high enriched material for weapons production (of which there has been none since 1964) and to reactivate, at substantial cost and high visibility, plutonium production reactors now mothballed. These actions, which would have to be launched almost immediately in view of long lead times, would be politically difficult, destabilizing, and would undercut your disarmament objectives in a dramatic fashion.

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<sup>2</sup> See footnote 3, Document 482.

The principal weakness of this proposal is that it almost certainly will not lead to early negotiations in view of long standing Soviet sensitivities about the relatively intrusive verification required. Moreover, if the proposal should lead to negotiations, they will clearly be protracted in view of the complex verification problems requiring, in addition to national technical means, at least IAEA-type safeguards on all permitted nuclear activities. In these circumstances, I find it difficult to understand arguments against a forthcoming position on this subject which has a substantial symbolic and tactical significance in the upcoming special session.

I recommend therefore that you include in your speech an appropriately qualified statement in support of a cut-off in the context of progress on SALT and CTB, along the lines of TAB A.<sup>3</sup> The detailed nature and timing of our negotiating position on this subject could then be developed on the basis of further interagency review.

Paul C. Warnke

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<sup>3</sup> Tab A is attached but not printed.

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#### **492. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, May 16, 1978

##### **SUBJECT**

UN Special Session on Disarmament

The second SCC meeting on SSOD took place Friday, May 12. A summary of conclusions is attached at Tab A.<sup>2</sup> The meeting surfaced three issues which require your decision.

##### ***1. Negative Security Assurances***

Many non-aligned countries and several of our allies, including the UK and Japan, support assurances by nuclear weapons states

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 2-5/78. Secret. In the upper right-hand corner of the memorandum, Brzezinski hand-wrote "May 16 '78."

<sup>2</sup> See Document 489.

(NWSs) that they will not use nuclear weapons against non-nuclear weapons states (NNWSs) except in very specialized circumstances. Such negative security assurances might marginally assist our non-proliferation policy. In addition, in his speech on April 25th Brezhnev<sup>3</sup> seemed to take the position that the USSR would use nuclear weapons only in response to aggression by a NWS. We have developed our own version of a more limited negative security assurance which reads as follows:

The United States undertakes not to use nuclear weapons against any non-nuclear weapon state party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its Allies by a state allied with a nuclear weapon state, or associated with a nuclear weapon state in sustaining or carrying out the attack.

In your October speech to the UN<sup>4</sup> you said that the US would not use nuclear weapons except in response to an “attack on the United States, our territories, or armed forces, or such an attack on our allies.” The new formulation is more restrictive in that it would not permit us to use nuclear weapons in response to an attack on the US, its territories, armed forces, or allies, if the attacking state (1) had signed the NPT or comparable agreement, *and* (2) was not allied to a NWS, *and* (3) was not associated with a NWS in sustaining or carrying out the attack. For example, under your October statement we could use nuclear weapons in response to an attack by Cambodia on Thailand, but under the new language we could not, unless Cambodia were assisted in the attack by the PRC.

We have consulted the Japanese, Koreans, and Germans on this language and they have no problems with it. All the relevant USG agencies also support the language except for the JCS, which prefers that we stick with your October language at the UN. The issue thus is:

*Should the US undertake the negative security assurance stated above?*

\_\_\_\_\_ Yes

\_\_\_\_\_ No<sup>5</sup>

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<sup>3</sup> Reference is to Brezhnev’s declaration that Moscow would become a party to the Treaty of Tlatelolco, which banned nuclear weapons in Latin America, and his comment that “we, like other states possessing nuclear weapons, will take upon ourselves the obligation not to help the acquisition of nuclear arms by Latin American states, and also not to use such weapons against the states that are parties to the treaty.” (“Address by President Brezhnev [Extract], April 25, 1978, *Documents on Disarmament*, 1978, pp. 256–258)

<sup>4</sup> See footnote 2, Document 486.

<sup>5</sup> Carter checked the “No” option and wrote “Stand on my previous statement” in the right-hand margin.

## 2. Cut-Off of Fissionable Material Production

ACDA has proposed that the US continue its traditional position of favoring a cut-off by proposing to “seek to achieve the worldwide cessation of the production of fissionable materials for weapons purposes.” Among other things, they argue that:

- (a) [2 lines not declassified]
- (b) [2 lines not declassified]
- (c) [3 lines not declassified]
- (d) [5 lines not declassified]
- (e) we have no plans to resume production of fissionable material; no agency is asking for such authority.

Attached at Tab B is a memorandum from ACDA setting forth their case at greater length.<sup>6</sup> USUN supports the ACDA proposal. All the other relevant agencies—State, DOD, DOE, JCS, OSTP, NSC—firmly oppose the ACDA initiative (DOD and JCS with particular vehemence), although some think we should be “positively noncommittal” if a similar proposal is advanced by other states (as, indeed, several non-aligned states will do). The opposition to the cut-off argues that:

- a. [4 lines not declassified]
- b. [4 lines not declassified]
- c. It is very dubious whether the Soviets would ever agree to IAEA inspection and other safeguards necessary to police a cut-off.
- d. In the longer term, new HEU production facilities utilizing advanced technologies (i.e., gas centrifuge and laser isotope separation) [1½ lines not declassified]
- e. Even with a cut-off, production of HEU for marine propulsion reactors and of tritium would have to continue, and it will be very difficult to develop verification techniques which would not compromise sensitive data.
- f. The UK and probably France oppose a cut-off.

As you know, this issue is very sensitive politically; a decision to go ahead with the cut-off proposal could have significant repercussions on our efforts to get SALT and CTB agreements. A repudiation of our traditional support for the cut-off could have adverse impact on our overall non proliferation efforts.<sup>7</sup>

The issue thus is:

*Should the US propose negotiations designed to lead to the worldwide cessation of the production of fissionable materials for weapons purposes?*

\_\_\_\_\_ Yes

\_\_\_\_\_ No<sup>8</sup>

<sup>6</sup> See Document 491.

<sup>7</sup> Underneath this paragraph, Brzezinski wrote “(I also attach a strong negative from Harold),” a reference to Document 490.

<sup>8</sup> Carter checked the “No” option.

If you decide in the negative, should we be “positive but non-committal” on such proposals from other states?

\_\_\_\_\_ Yes

\_\_\_\_\_ No; oppose<sup>9</sup>

### 3. *Your Appearance at the SSOD*

The opening ceremonies for the SSOD occur on May 23. The US inscribed to speak second on May 24th, immediately following Yugoslavia (whose representative chairs the General Assembly). The spectrum of opinion among your principal advisors as to whether you should deliver the US address runs from mildly skeptical to enthusiastically positive. State, ACDA, and USUN all strongly believe you should speak. Defense does not object provided you emphasize the need for strong defenses in the absence of arms control agreements and the importance of NATO, and provided your remarks do not detract from our commitment to the NATO Long-Term Defense Program which will be endorsed at the NATO Summit a week later. If you do not speak, either the Vice President or Secretary Vance will make the major US presentation. A preliminary draft text for a speech, developed by an interagency committee and discussed at the SCC, is at Tab C.<sup>10</sup>

In general, the arguments in favor of your speaking are:

a. You have made a strong point of your commitment to disarmament, and your record in the field is quite positive. Failure to address the SSOD would be seen as a serious weakening of that commitment and would mean foregoing an opportunity to underline your favorable record.

b. Ten NATO heads-of-government (including Schmidt, Giscard, Callaghan, Trudeau) plus several others including Desai and Perez will speak, and this would make your absence all the more noticeable.

c. By speaking you would indicate your appreciation of the efforts by Yugoslavia, India, Venezuela and other non-aligned countries who took the initiative in organizing the SSOD, and who are of key importance to our non-proliferation efforts.

d. By setting forth at the beginning of the SSOD a set of important, long-term and yet realistic disarmament goals, you can contribute to a successful conclusion of the Special Session.

The principal arguments against your speaking are:

a. The new proposals which the US has to offer, because they are realistic, are also rather limited; later speakers, including the USSR, will undoubtedly “outbid” us with much more sweeping initiatives.

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<sup>9</sup> Carter did not check either option and wrote “Check with me later—Do not disavow our past statements” in the right-hand margin.

<sup>10</sup> Not attached.

b. There is not a logical problem, but there is a political problem in reconciling what you say at the UN on May 24th with what you will be endorsing at the NATO Summit on May 30–31. Critics may again have the opportunity to talk about the “inconsistency” of your policies. (Many think this problem might be handled by carefully chosen words on the role of self-defense and collective security in your UN speech.)

c. The mood at the UN when you speak on the second day will probably be benign and hopeful. By the end of the session, however, there will probably be many sharp clashes and few concrete accomplishments. This could lead people to see the SSOD as another project of your Administration which has gone sour.

Apart from these considerations, there is also the domestic political impact. Domestically, you have been seeking to emphasize your defense orientation so as to be on the strongest ground to fight for a SALT agreement. This appearance could go in the opposite direction or be neutral—and the latter case would obviously do little to advance international disarmament prospects.

The issue thus is:

*Do you wish to deliver the US presentation to the SSOD on May 24th?*

\_\_\_\_\_ Yes

\_\_\_\_\_ No<sup>11</sup>

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<sup>11</sup> Carter checked the “No” option.

**493. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance, Secretary of Defense Brown, Secretary of Energy Schlesinger, the Director of the Office of Management and Budget (McIntyre), the Representative to the United Nations (Young), the Director of the Arms Control and Disarmament Agency (Warnke), the Chairman of the Joint Chiefs of Staff (Jones), the Director of Central Intelligence (Turner), and the Director of the Office of Science and Technology Policy (Press)<sup>1</sup>**

Washington, May 17, 1978

SUBJECT

UN Special Session on Disarmament

Having reviewed the Summary of Conclusions for the May 12 SCC meeting on the UN Special Session on Disarmament,<sup>2</sup> the President has decided:

1. The U.S. should *not* undertake the negative security assurance. (The President noted that we should stand on his previous statement.)
2. The U.S. should *not* propose negotiations designed to lead to the worldwide cessation of the production of fissionable materials for nuclear weapons. (The President noted that we should not disavow our past statements.)
3. The President will *not* deliver the U.S. presentation to the SSOD on May 24.

**Zbigniew Brzezinski**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 2–5/78. Secret.

<sup>2</sup> See Document 489.

#### 494. Telegram From the Department of State to the Mission to the United Nations<sup>1</sup>

Washington, May 24, 1978, 1813Z

132087. Subject: Guidance for US Delegation to the UN Special Session Devoted to Disarmament, May–June 1978.

1. Summary. This message outlines the US objectives with respect to the UN Special Session devoted to disarmament (SSOD) and provides the US Delegation with general guidance. In addition, more detailed guidance is provided on major disarmament issues and on the final document which the SSOD is expected to produce (including sections on declaration on disarmament, program of action, and disarmament machinery). End summary.

##### 2. US Objectives.

This administration is actively pursuing a number of specific arms control and disarmament negotiations with a view to enhancing US security interests and promoting international stability. The arms control and disarmament efforts of this administration are both a high-priority and a high-visibility element of its foreign and national security policy. During the course of the SSOD, the US will have an opportunity to present its position on all major disarmament issues currently under consideration and to outline what we see as appropriate tasks for the future. In general, what we are seeking as the main outcome of the SSOD is to sustain or accelerate the momentum of current disarmament negotiations and to lay the basis for realistic new programs in years ahead. With the foregoing in mind, the US objectives for the SSOD include the following:

—Enhance understanding of and support for our overall arms control objectives by other countries, and extend and improve our dialogue with important Non-Aligned and other countries which have not shared these objectives;

—Create a receptive environment and broaden support for the arms control agreements currently under negotiation with the USSR on high priority arms control issues (e.g. SALT, CTB, and CW);

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780219–0805. Confidential; Immediate. Sent for information to Belgrade, Bonn, London, Rome, The Hague, Ottawa, Tokyo, Paris, Moscow, Stockholm, New Delhi, Mexico, USNATO, USUN, the Department of Defense, the Central Intelligence Agency, and the National Security Council. Drafted by Arch Turrentine (ACDA/MA/IR); cleared by Lyall Breckon (EUR/RPM), Williams (DOE), Thomas Miller (P), Adam Yarmolinsky (ACDA), Robert Putnam (NSC), Allen (CIA), John Marcum (NSC), Roger Fritzel (JCS), Steven Steiner (PM/DCA), Susan Flood (DOD/ISA), Alexander Shakow (AID), Robert Reis (EB), John Joyce (S/MS), David Macuk (IO/UNP), and Cameron Hume (S/P); and approved by Gerald Helman (IO).



—Make the North-South dialogue on disarmament more constructive, winning greater Third World support and understanding for our goals—particularly in the areas of conventional arms transfer restraints and non-proliferation, endeavoring, in turn, to be responsive to Third World concerns about self-restraint by the nuclear powers and access to peaceful nuclear technology;

—Preserve the integrity of existing multilateral negotiating forums such as the CCD while maintaining flexibility with regard to proposals for procedural changes which may be proposed to meet Non-Aligned desires for a more substantive role;

—Establish, through the program of action to be adopted by the SSOD, a positive but realistic arms control and disarmament agenda for the next few years;

—Maintain a common position to the extent possible with our allies on arms control matters and if the opportunity arises, encourage a more forthcoming French and Chinese attitude to arms control initiatives of particular importance to US;

—To the extent possible, utilize the SSOD to give new impetus to arms control negotiations;

—Gain greater public support—in the US and abroad—for arms control and disarmament and better explain our various efforts and relate them to one another.

—To resist the initiatives of others that might be inimical to basic US security interests or to effective, practical, and verifiable arms control agreements.

—Counter Soviet efforts to use SSOD as a propaganda vehicle.

—Discourage and when necessary oppose impractical or misguided arms control initiatives which would not be in the interest of the United States, our allies or the international community.

### 3. General Guidance.

The US Del should promote the objectives set forth in para. 2 above seeking appropriate opportunities to do so in major policy statements, in negotiations on SSOD final document, and in informal meetings among Delegations. Del should continue to consult closely with the key players, and in particular with our allies. While the principal allied consultative mechanism will continue to be the Barton Group,<sup>2</sup> the Western Group of CCD members (US, UK, FRG, Italy, Netherlands, Canada, Japan) will meet as required but has agreed to limit its agenda to machinery issues related to the CCD. The US should not object to discussing other issues in the Western Group if there is agreement to do so. In addition, Del should maintain close bilateral contact with UK, FRG and French. Consultations with the Soviets will also be important, particularly with respect to nuclear issues and other issues currently under negotiation bilaterally. While we should stay in close touch with the Soviets on issues related to CCD organization in general and the

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<sup>2</sup> The Barton Group was a group of Western nations who met to consider arms control and disarmament policy in anticipation of the SSOD.

co-chairmanship in particular, we should not take positions which are less flexible than we otherwise might be prepared to take just to maintain a common front with the Soviets. With respect to consideration of the SSOD final document, the US Del should make every effort consistent with basic US policy on arms control issues to ensure that consensus procedures are used and that voting is avoided.

#### 4. Declaration on Disarmament.

The declaration is essentially a political statement by governments which outlines the problem of the growth of armaments and serves as a "call for action." The US can support the concept of such a statement. At the same time, the US Del should seek to moderate any language which may be advanced which does not recognize that achievements have occurred in past negotiations, which questions our will for progress, which carries overtones of criticism of our alliances and overseas deployments or which is contrary to US policy in such areas as non-proliferation. US Del should work for a balanced declaration which can be adopted, preferably as a part of the final document, or separately, by consensus. Del may agree to language in the draft declaration on an ad referendum basis but should submit language to Washington for USG approval of substance. Del is authorized to accept minor editorial changes in final text which in Del's judgement do not involve questions of substance and should report such changes for information purposes.

#### 5. Program of Action.

Previous work on the draft program of action indicated a considerable divergence of views. The US Del should work for a realistic program which is applicable to the years ahead. We wish to avoid raising expectations on issues which are clearly not ready for active negotiations. The CCD has been given the task of preparing a longer-range comprehensive program of disarmament. The USG believes that the CCD is the most appropriate body to carry out this task and is prepared to participate actively in such work. US Del should resist efforts to set fixed timetables in a program of action for future negotiations. US Del may accept giving primacy to nuclear issues and setting as our ultimate goal the complete elimination of nuclear weapons from the arsenals of states. However, it should also be recognized that this process must be carried out in a way that increases stability and makes the likelihood of conflict less. US Del should seek to ensure that it is recognized that the reduction of nuclear arms by nuclear weapon states is not an isolated process but there must also be conventional arms reductions by both nuclear weapon states and non-nuclear weapon states. However, Del should not concede the necessity of a specific link between nuclear and conventional arms reductions. Del should encourage support for recognition of conventional arms restraints, especially with respect to arms transfers, in the program of action. The general US objective with re-

spect to the program of action is to reach consensus agreement on a document that will be realistic, supportive of our arms control policies, and at a minimum, will not disrupt a reasonable negotiating agenda for the next three to five years. US Del may agree to inclusion in program's various sections, in addition to more immediate tasks, reference to longer term goals as long as they are consistent with US policy. US Del may agree to language in the draft program of action on an ad referendum basis but should submit all language to Washington for USG approval.

#### 6. Disarmament Machinery.

One section of the final document to be adopted by the Special Session will be recommendations for changes to the international machinery dealing with arms control issues. At present, this machinery consists of the following elements:

- The Conference of the Committee on Disarmament (CCD),
- The UNGA First Committee,
- The UN Center for Disarmament, and
- The UN Disarmament Commission (dormant since 1965).

At the PrepCom meetings, several proposals have been made for modifying disarmament machinery:

##### A. Restructure the CCD to accomplish the following objectives:

- (1) Abolish the US–USSR co-chairmanship, removing the primary symbol of super-power condominium in the CCD, and replace with another system to be agreed;
- (2) Enlarge the membership;
- (3) Provide for increased participation in the CCD by non-member states;
- (4) Strengthen the relationship of the CCD to the UN.

B. Consider only disarmament and security issues in the UNGA First Committee, and pass other First Committee items (e.g., outer space) to the Special Political Committee.

C. Reconvene the UN Disarmament Commission to follow-up on SSOD and UNGA decisions and recommendations.

There have also been other, primarily cosmetic, proposals for changes in the disarmament machinery, including enhancing the role of the UNSYG and the UN Center for Disarmament; establishment of an international institute for research on disarmament; and creation of an international verification agency. Separate guidance will follow on French and Dutch proposals for the creation of an international satellite observation/verification agency.

In addition to these specific proposals, some fundamental changes have been suggested by the French, including the dissolution of the CCD and its replacement by a new body directly subordinated to the

UNGA, which would have a slightly larger membership and a Chairman appointed by the UN Secretary-General. However, most members of the CCD are of the view that the French will not actively participate in any multilateral negotiating body, regardless of its structure of procedures, until after work on a comprehensive test ban treaty has been completed.

The most significant and contentious proposals are those dealing with the CCD. The impetus for the proposed changes comes from several states, including both the Non-Aligned and our allies, who are interested in providing for wider participation in the work of the CCD and increasing the role of individual members in the negotiating process vis-a-vis the co-chairmen. Also, there is a general desire to facilitate participation by France and the PRC in the future work of the Committee. (France is a member of the CCD, but has never participated in the work of the Committee.) There is widespread support for the abolition of the co-chairmanship which most countries regard as anachronism. The co-chairmanship is one of the stated obstacles to French participation. The US position is that we should be flexible but should preserve the CCD's ability to function as an effective negotiating body. We attach importance to gaining French participation in the CCD and facilitating the PRC's joining at some future time. We could accept recommendations for a limited enlargement of the Committee's membership and constructive recommendations for changes in CCD procedures, so long as the Committee retains control over its work and continues to operate by consensus. We would also be willing to consider ways in which non-member states might participate, in a limited way, in the work of the Committee. We would oppose any attempt to alter CCD procedures to conform with UNGA rules of procedure. We would not be opposed to proposals designed to acknowledge the relationship between the UN and the CCD such as giving the SYG's representative a more active role. In the context of achieving a satisfactory package of recommendations regarding changes to the CCD, we would be prepared to give up the co-chairmanship, if a generally acceptable alternative can be found.

The Soviets are more attached to the co-chairmanship than we and are likely to hold out until late in the Session before giving way on this point. Both the US and the USSR will use it as bargaining leverage to insure that any recommended reforms to the CCD emerging from the SSOD are satisfactory.

On the aspects of the machinery question not directly related to the CCD, we have fewer problems. We have no objection to having the First Committee deal solely with disarmament and related international security issues, nor do we object to some strengthening in the staff of the UN Disarmament Center so it might carry out technical

studies and research on disarmament issues. While we are not enthusiastic about proposals to revitalize the UN Disarmament Commission, should momentum build behind such proposals we would not oppose it provided its mandate were clear and limited.

The Soviets will continue to press for a world disarmament conference as a follow-up to the SSOD. The US continues to believe that the conditions which exist now or in the foreseeable future do not justify setting a date for a world disarmament conference. However, the US will announce support for a second SSOD to be held in several years.

US Del may agree to draft language on disarmament machinery ad referendum and should report such language to Washington for approval in substance. Del may accept minor editorial changes on final text, but should inform Washington of all changes.

#### 7. Possible Soviet initiatives.

We anticipate that USSR will offer a number of initiatives when Foreign Minister Gromyko addresses the SSOD. Such Soviet initiatives are likely to include the following:

A. Negotiations on an agreement to halt production of nuclear weapons;

B. A treaty banning all new types of mass destruction weapons (MDW);

C. Assurance of non-use of nuclear weapons except in case of aggression against USSR or its allies by another nuclear power;

D. Negotiations on renunciation of “nuclear neutron weapons”;

E. A halt to development and production of new and highly destructive conventional arms;

F. A freeze by permanent members of the Security Council and their allies on their armed forces and conventional arms.

US Del should report all Soviet initiatives in detail and may indicate that the USG is giving them appropriately careful study. Guidance will be provided subsequently on how US Del should respond to each Soviet initiative.

#### 8. Specific Issues.

A. SALT. US Del should seek to work out language with the Soviets on SALT to propose for the final document; along lines of the language discussed at last PrepCom. While others, in particular the Mexicans, may wish to leave their mark on such language, it is particularly important that we not permit others to force a split between the US and USSR on this issue. Language on SALT issue should be consistent with language of UNGA Res 32/87.<sup>3</sup> US Del may agree ad referendum to

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<sup>3</sup> UN General Assembly 32/87 G, December 12, 1977, called for the United States and the Soviet Union to limit and then reduce the number of nuclear weapons in their respective stockpiles.

language on SALT issue but should report all such language to Washington for approval.

B. CTB. Since negotiations on a CTBT initiative are at a sensitive stage, US Del should carefully coordinate any language on this issue with USSR and UK Dels. Del may accept language which stresses importance of completing negotiations as a matter of urgency, but should not accept setting any specific deadlines or target dates. If joint language proves possible, US Del should seek to retain language along lines discussed at last PrepCom, otherwise we would prefer language explicitly stating US view that CTB should ban all tests of nuclear explosive devices whether for peaceful or military purposes. US Del should discourage any proposals for a moratorium on nuclear testing.

C. Cut-Off. US Del should report any proposals regarding a cut-off of the production of fissionable materials for nuclear weapons use. Guidance on US response to such proposals will be provided subsequently.

D. Non-Proliferation. As background to nonproliferation discussions US Del should acknowledge responsibility of nuclear weapons states to reduce their own arsenals—pointing to SALT, CTB, and President Carter's pledges to work towards nuclear disarmament. The US should emphasize those aspects of our non-proliferation policy that have generated considerable international support (e.g., NPT, INFCE, Treaty of Tlatelolco, IAEA, NUF) and should seek to avoid being drawn into contentious issues like the nuclear suppliers group. Del should use suitable opportunities to welcome or encourage action by particular states on the NPT or Treaty of Tlatelolco. Relevant sections in the non-proliferation background paper<sup>4</sup> identify appropriate countries.

Regarding the dispute over access to nuclear technology our objective should be to develop among the Non-Aligned a better understanding of the US position and to work for language consistent with US nuclear export policy. It is US policy to continue a substantial program of international nuclear cooperation and the initiative to be announced at the SSOD will give further evidence of that commitment. US should not be defensive about its past record in this area—both bilaterally and through the IAEA. Any language worked out should strike a balance between our willingness to provide the benefits of nuclear technology to the developing world and our responsibility to ensure that any such exports are not misused. Such goals should not be viewed as contradictory. Specifically, the US can support language that argues for “the right of access” as long as appropriate non-proliferation concerns are

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<sup>4</sup> Not found.

also recognized. “Unhindered access” to technology is unacceptable because it is US policy not to export certain sensitive technologies (e.g., reprocessing). Any implication that IAEA safeguards alone is a sufficient control measure should be avoided because US must legally require other assurances (e.g., physical security, vetos on retransfer/reprocessing) and because the US has raised serious questions about the safeguardability of reprocessing plants. Our negotiating strategy should focus on developing supplier state consensus and working principally with Yugoslavia and other NPT parties (e.g., Iran, Mexico, Nigeria) to encourage Non-Aligned compromise—emphasizing that only through close supplier-recipient cooperation (e.g., INFCE) can such issues be resolved.

E. Disarmament/Development Link. The US cannot accept an automatic link that would commit savings which may accrue from disarmament to increases in development assistance. However, the US is prepared to acknowledge that development assistance is a high priority objective which deserves serious consideration in the reprogramming of savings which may accrue from disarmament. The US Del should express general support for a multilateral effort to define criteria which would permit the preferential use of development aid to favor states that make significant arms control and disarmament efforts. Such use would, of course, have to be weighed against the other US criteria for the allocation of development aid.

F. Military Expenditure Reporting and Limitations. The US supports Swedish proposal for a field test by small but representative group of states of Military Expenditure Reporting (MER) matrix. We believe that development and general use of such a standardized reporting instrument is a prerequisite of Military Expenditure Limitations (MEL) agreements. Along with several other Western States, we have announced that we will submit US military expenditures data for field test in the interest of greater openness of information about military spending. However, we have largely deferred to Swedish (and to a degree Mexican, leadership in carrying case for Non-Aligned support and participation in test. In view of failure to date of any announced LDC participation, Del should approach Swedish Del early in the session to suggest coordinated efforts to persuade group of fence-sitting states (possibly India, Venezuela, Colombia, Peru, Ghana, Nigeria, and Liberia) if possible simultaneously, to announce their participation.

G. Reduced Blast/Enhanced Radiation Weapons. The Soviets are likely to continue their propaganda campaign against RB/ER weapons. In responding, US Del should rely on points contained in State 110723.<sup>5</sup>

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<sup>5</sup> Not found.

9. Issues Papers supplementing these instructions have been prepared on the following topics:

- A) Conventional Arms Transfers
- B) Stabilizing and Confidence-Building Measures
- C) Eyes and Ears of Peace
- D) Nuclear Weapons Free Zone
- E) Peaceful Nuclear Cooperation
- F) Non-Proliferation
- G) Cut-Off.<sup>6</sup>

**Christopher**

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<sup>6</sup> None of the Issues Papers were found.

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#### **495. Editorial Note**

On May 25, 1978, Vice President Walter F. Mondale addressed the Special Session on Disarmament. The United States, he said, wanted to achieve eight "bold" objectives over the next years. It wanted to 1) "substantially cut" strategic arms stockpiles and "place increasingly stringent qualitative limitations on their further development;" 2) end the practice of nuclear explosions by achieving a Comprehensive Test Ban treaty; 3) prevent the proliferation of nuclear weapons; 4) ban "other weapons of mass destruction" such as chemical and radiological weapons; 5) "slow down and then reverse the sharp growth in conventional arms" transfers; 6) strengthen regional arms control agreements; and 7) "fully develop the institutions and expertise required for arms control; all of which would allow nations to 8) "release additional resources for economic and social development." Arms control, he concluded, "must be the moral agenda of our time." ("Excerpts From Vice President Mondale's Address to the U.N. Disarmament Session," *New York Times*, May 25, 1978, p. A16)



**496. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, June 6, 1978

**SUBJECT**

Cut-Off of Fissionable Materials and the SSOD

You have decided that we should not propose negotiations on a cut-off of production of fissionable materials for nuclear weapons while not disavowing our past statements on this issue. This leaves open the question of whether we are prepared to enter negotiations on a cut-off if proposed by other states at the SSOD. You asked that we consult you on any such clarification of policy.

Harold Brown, joined by Warren Christopher for Cy Vance, believes that we should not agree at this time to enter negotiations on a cut-off should such negotiations be proposed by other states at the SSOD.<sup>2</sup> However, ACDA wishes to leave open the option of launching negotiations in response to other initiatives. In any event, we will want to join, if possible, the final document of the SSOD which is likely to include a general call for cut-off negotiations.

Do you agree with the following clarification of our policy?

The U.S. Government is not prepared, at this time, to agree to enter into specific negotiations on a cut-off, should such negotiations be proposed by other states. However, we should be prepared to go along with a final document of the SSOD which includes a general call for negotiations on a cut-off.

Yes \_\_\_\_\_<sup>3</sup>

No \_\_\_\_\_

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 5–6/78. Secret. Aaron initialed the memorandum on Brzezinski's behalf.

<sup>2</sup> Brown offered his views in a May 25 memorandum to Brzezinski. (Ibid.)

<sup>3</sup> Carter checked the "Yes" option and wrote "J" in the right-hand margin.

**497. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to Secretary of State Vance, Secretary of Defense Brown, the Director of the Office of Management and Budget (McIntyre), the Director of the Arms Control and Disarmament Agency (Warnke), and the Director of the International Communication Agency (Reinhardt)<sup>1</sup>**

Washington, June 8, 1978

SUBJECT

Interagency Committee on Public Diplomacy and Disarmament

Whatever the specific accomplishments of the UN Special Session on Disarmament (SSOD), it has focused the attention of important publics throughout the world on disarmament issues. As we move beyond SSOD, it is desirable to foster a more informed and rational climate of opinion in other countries within which future official deliberations can take place. I am, therefore, establishing under the Special Coordination Committee an interagency committee to develop a year-long program in public diplomacy addressing the several issues of arms control and disarmament.

Our goals are:

- to stimulate serious and constructive international discussion of important arms control and disarmament issues;
- to involve a wider spectrum of thoughtful and interested foreign individuals and institutions in a discussion involving clear statements of the U.S. positions and policies;
- to help develop a broader based consensus in other countries in support of U.S. positions; but at a minimum, to bring more serious and realistic public deliberations to bear on the several issues;
- to diminish the ability of the Soviet Union and others to command public attention in foreign countries on the basis of emotional rhetoric.

Among other means for achieving these goals, the committee should consider:

- regional seminars and conferences bringing together leading intellectuals for realistic discussions of arms control and disarmament issues;
- visits to the U.S. by foreign journalists and scholars to discuss arms control and disarmament issues with American counterparts;

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 6-7/78. No classification marking.

—programs aimed at diffusing the results of these discussions to wider audiences abroad;

—intensified research designed to provide U.S. policy-makers with a clearer understanding of the views of important foreign publics.

You should designate an appropriate member of this interagency committee with a rank equivalent to and not lower than that of Deputy Assistant Secretary. The committee will be chaired by the International Communication Agency. Final recommendations of the committee should be completed as soon as practicable and in any event no later than August 1, 1978.<sup>2</sup> I would appreciate your communicating to the Director of the ICA the name of your representative to the interagency committee at your earliest convenience. The NSC staff representative will be Dr. Robert Putnam.

**Zbigniew Brzezinski**

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<sup>2</sup> Not found.

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**498. Memorandum From the President's Assistant for National Security Affairs (Brzezinski) to President Carter<sup>1</sup>**

Washington, June 10, 1978

SUBJECT

SSOD and Negative Security Assurances

On behalf of the US delegation to the UN Special Session on Disarmament, Averell Harriman and Andy Young have expressed serious concern to Cy Vance that the guidance under which they are now operating is in several respects not sufficiently forthcoming to ensure a positive outcome of the Special Session.<sup>2</sup> Their concerns focus on:

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 6–7/78. Secret. Carter wrote a “C” in the upper right-hand corner of the first page of the memorandum indicating that he saw the document.

<sup>2</sup> In telegram 2311 from USUN, June 7, Harriman and Young reported that “the Non-Aligned countries view our lack of positive response at the Special Session to their request for (A) firm negative security assurances and (B) a commitment in principle to explore more steps toward nuclear disarmament as being a failure of the US to take an affirmative position as required by our obligations under the NPT.” This failure, they argued, “precludes us from advancing important objectives in non-proliferation, and seriously risks our being isolated from almost all our friends.” (Ibid.)

(1) negative security assurances; and (2) the cutoff of the production of fissionable materials for weapons purposes. Andy and three other members of the delegation will meet with you on this subject on Monday<sup>3</sup> at 1:00–1:30.

Attached at Tab I is a memorandum from Cy Vance, recommending that, in light of the delegation's comments, you reconsider your earlier decision on negative security assurances. Harold Brown and I join in this recommendation.

Although the language of the proposed negative security assurance that we worked out last month would have been cumbersome for a major public address, its practical significance will be understood and welcomed now by other states at SSOD. The Vice President told the Special Session that "we are here to listen to the voices of other nations, as well as to raise our own on behalf of arms control and disarmament." US flexibility on this issue could be offered gracefully as the fruit of thoughtful listening and could enhance our leverage on other issues, especially non-proliferation.

The proposed language of the assurance has been approved by all the concerned US Government agencies, except for the JCS. The Chiefs' principal concern is that this is a "slippery slope" and that there will be further erosion in this position. The last eight words of the proposed negative security assurance could give rise to varying interpretations.

The proposed assurance is consonant with the independent initiatives on this subject by the UK, Japan, and other countries, and has been cleared with both the Koreans and the Germans. The language reads as follows:

"The United States will not use nuclear weapons against any non-nuclear weapon state party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies by such a state allied to a nuclear weapon state, or associated with a nuclear weapon state in carrying out or sustaining the attack."

In light of these considerations, do you wish to authorize our delegation to state agreement with the language of the proposed negative security assurances?

\_\_\_\_\_ Yes<sup>4</sup>

\_\_\_\_\_ No

Depending on your decision, we will supply appropriate talking points for your meeting with the delegation on Monday.

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<sup>3</sup> June 12.

<sup>4</sup> Carter checked the "Yes" option and wrote "J" in the right-hand margin.

When Harriman and Young drafted their cable to Vance on behalf of the delegation, they were not aware of your recent action clarifying your earlier decision on cutoff. As Secretary Vance points out, that clarification should be sufficient to reassure the delegation that they will have sufficient flexibility on this issue at the Special Session.

**Tab 1**

**Memorandum From Secretary of State Vance to  
President Carter<sup>5</sup>**

Washington, June 10, 1978

SUBJECT

Special Session on Disarmament

Ambassadors Young and Harriman have reported to me that the success of our efforts to ensure a positive UN Special Session on Disarmament, as well as to protect our non-proliferation interests, may hinge on our response to the desire of non-nuclear weapons states for firm negative security assurances and a commitment in principle to explore more steps to achieve nuclear disarmament. Both of these demands reflect general commitments we made under the Non-Proliferation Treaty in return for the promise of other states not to acquire or develop nuclear weapons. I support the suggestion of Ambassadors Young and Harriman that you review our position on these two issues.

All of the other nuclear weapon states have stated their readiness to offer additional assurances to non-nuclear weapon states or have already done so, and the non-nuclear weapon states have strongly urged that we do so. We risk being isolated on this issue, even from some close allies. Prime Minister Callaghan told the Session that the UK wants to agree with other nuclear weapon states to give such assurances. I urge you to reconsider your decision on this matter.

Ambassadors Young and Harriman and I suggest that the United States be prepared to state agreement with the language of our proposed negative security assurance that had received general inter-agency (JCS however remained hesitant) and Allied approval last month. It would clearly strengthen the delegation's hand on a major SSOD issue. How it is implemented will be important, particularly with the Federal Republic of Germany and Republic of Korea. I believe it

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<sup>5</sup> Secret.

would be best that the United Kingdom continue to take the lead in suggesting this specific language.

The negative security formulation we had been considering is:

"The United States will not use nuclear weapons against any non-nuclear weapon state party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies by such a state allied to a nuclear weapon state, or associated with a nuclear weapon state in carrying out or sustaining the attack."

Second, Ambassadors Young and Harriman have provided suggested language for a US statement of policy concerning the conditions under which we might eventually explore the possibility of a cutoff of the production of fissionable material. They did this before your recent decision providing guidance on how to handle cutoff at the SSOD. Their language goes too far in implying that we could move automatically after SALT II and CTB "to explore the possibilities for negotiations" of additional measures, including a cutoff. But I believe your guidance solves the problem.

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#### 499. Memorandum of Conversation<sup>1</sup>

Washington, June 12, 1978, 1:05–1:35 p.m.

##### SUBJECT

Summary of the President's Meeting with Representatives of the U.S. Delegation to the United Nations Special Session on Disarmament

##### PARTICIPANTS

President Jimmy Carter  
Vice President Walter Mondale  
Cyrus Vance, the Secretary of State  
Ambassador Andrew Young, U.S. Representative to the UN  
Ambassador James Leonard, Jr., U.S. Deputy Representative to the UN  
David Aaron, Deputy Assistant to the President for National Security Affairs  
Marjorie Benton, U.S. Delegation to the UN Special Session on Disarmament  
Paul Newman, U.S. Delegation to the UN Special Session on Disarmament  
Robert D. Putnam, National Security Council Staff Member

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<sup>1</sup> Source: Department of State, Office of the Secretariat Staff, Cyrus R. Vance, Secretary of State—1977–1980, Lot 84D241, Box 10, EXDIS Memcons, 1978. Secret; Exdis. The meeting took place in the Cabinet Room.

*The President* opened the meeting by thanking the delegation for their service at the Special Session. He pointed out that a number of new U.S. arms control policies had been undertaken in the last sixteen months, in such areas as non-proliferation, SALT, CTB, ASAT, Indian Ocean, and conventional arms transfers. In this latter field, we have unilaterally imposed a series of annual reductions, while honoring previous commitments in a minimal way. We are in close consultation with our key allies and other powers on this topic. At the Special Session the delegation can stand on this solid record. The President recalled his discussions with Callaghan, Schmidt, and Giscard about their proposals to the Special Session. We are in the midst of reinvigorating the MBFR talks and have recently had a fairly favorable response in those talks. In short, progress is being made on a number of fronts. How can we now help constructively to make a success of SSOD and to lay the ground work for future arms control efforts?

*Ambassador Young* reported that the Vice President's speech<sup>2</sup> had set a realistic tone for a serious discussion of complex issues at the Special Session. Other countries recognized that the U.S. is taking the Special Session seriously. To the extent that there was any disappointment, it was because there had been high hopes for U.S. moral leadership, embodied perhaps in one or two creative initiatives. The Vice President had said that we were there to listen, however, leaving open the possibility that our policies would evolve. The U.S. Delegation wanted to report to the President mid-way through the Special Session on possible U.S. contributions to building a consensus document.

*The President* asked what we could do now to be more constructive.

*Ambassador Young* reported that he and Governor Harriman had worked out some language that might be helpful. Under the non-proliferation treaty, all nuclear powers are committed to moving to eliminate our nuclear arsenals and to offering security assurances to non-nuclear weapons states. On the latter, the President came close in his speech at the United Nations,<sup>3</sup> and the language that Cy Vance has recommended would go the rest of the way. The delegation's original instructions to oppose cutoff proposals were insufficiently forthcoming. The new language that the President has approved would give the delegation latitude on cutoff. We are far ahead of the Soviets on this issue.

*The President* interjected that on negative security assurances he is prepared to let Cy Vance issue a statement along the lines of the language that had been worked out previously.

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<sup>2</sup> See Document 495.

<sup>3</sup> See footnote 4, Document 473.

*Ambassador Leonard* said that this assurance should be offered in a most solemn way. He proposed that Secretary Vance issue the statement in the name of the President, possibly at New York next week.

*The President* said it should be done without delay. Otherwise, the decision would ooze out and be subject to misinterpretation. Are there things at SSOD, beyond these two, that are important?

*Ambassador Young* replied that as the Vice President had announced, the United States favors a follow-up conference. We are pushing for greater openness about military budgets. We are in a good position at the Special Session. He said he had underestimated the significance of SSOD.

*The President* asked if there was more substance to it than Ambassador Young had expected.

*Ambassador Young* replied that SSOD will start a process. Other nations are looking to us for leadership. As in the case of the Seventh Special Session on North/South economic relations,<sup>4</sup> this Special Session is the beginning of a longer process, and between now and 1981, SSOD will continue to have echoes.

*The President* noted that it is important that the U.S. Delegation emphasize at SSOD what we have already done, including our efforts to get full adherence to the Treaty of Tlatelolco, and to control conventional weapons in Latin America. He noted that we could make still more progress if others would adopt the policies that the United States had unilaterally imposed upon itself on conventional arms transfers. Third, the delegation can emphasize the important steps that we have taken in the area of non-proliferation and should make every effort to get other countries to join in these initiatives.

*The Secretary of State* remarked that there is only one country which has not joined us on Tlatelolco,<sup>5</sup> and that country is beginning to feel the pressure.

*Ambassador Leonard* noted that it is important that the U.S. is continuing to make progress on SALT and on CTB, but even so, other nations fear that there are no ceilings yet on the arms race.

*The President* interjected that they're right.

*Ambassador Leonard* continued that a cutoff is needed in order to impose a ceiling on the arms race. The new guidance will give the delegation a good posture for achieving a consensus document at the Spe-

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<sup>4</sup> The UN's Seventh Special Session devoted to improving the economic prospects of the developing countries took place in September 1975. See *Foreign Relations*, 1969-1976, vol. E-14, Part 1, Documents on the United Nations, 1973-1976, Documents 27, 28, and 29.

<sup>5</sup> France.



cial Session, although we will be pressed to commit ourselves to specific negotiations. He hoped that the President would continue to follow up on the cutoff study.<sup>6</sup> He and others believe that cutoff would be in our national security interest. However, he recognized that the study has not progressed to a point which would allow us to make that case and, therefore, the guidance does not extend that far.

Mr. *Newman* noted that these decisions will help immensely the morale of the U.S. Delegation in New York and it will help significantly in achieving consensus at the Special Session. It will help, for example, in heading off the Iraqi resolution condemning the United States and Israel for armaments in the Middle East.

The *President* asked that Secretary Vance, Ambassador Young, and Mr. Aaron work on the announcement of the negative security assurance.

Ambassador *Young* noted that over the last five years opinion polls have shown, without much variation, 75% approval of both SALT and détente. The only exception was the period in 1976 when President Ford rejected the word “détente,” but thereafter, the proportion went back up from 50% to 75%. He hoped that we could use SSOD to rally American public opinion in support of SALT.

Ms. *Benton* suggested to the President in this context that he do a fireside chat on SALT and détente, to clarify Administration policy.

The *President* termed this an excellent idea that we would work on. We are evolving a public relations campaign to sell SALT to the American people and to the Senate. In the absence of an agreed treaty, it would be premature to work in that direction. We have agreed with the Soviets not to reveal details of the negotiations at this time. But at this point we are in good shape in terms of U.S. public opinion, with a ratio of 78 to 12 in favor of SALT, almost the reverse of the split on the Panama Canal at the outset.<sup>7</sup> The Republicans have decided to campaign against SALT, although that will be a serious mistake on their part. Some Republicans, like Matthias, Kissinger, and Ford may support SALT, but most will campaign against it. In this case, however, we will have public opinion on our side. He repeated his thanks to the delegation for their contribution to the work of the Special Session. He noted his appreciation for Harold Willens’ article in the *New York Times* on the importance of press coverage of SSOD.<sup>8</sup>

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<sup>6</sup> See Documents 484 and 485.

<sup>7</sup> Public opinion polls taken in 1977 as the Carter administration resumed the final negotiations of the Panama Canal treaty revealed that over 70% of the American public opposed the treaty, which would have given control over the canal zone to Panama.

<sup>8</sup> Harold Willens, “Where Are the Media?,” *New York Times*, June 11, 1978, p. E21.

500. **Memorandum From the President's Deputy Assistant for National Security Affairs (Aaron) to Secretary of State Vance, Secretary of Defense Brown, Secretary of Energy Schlesinger, the Director of the Office of Management and Budget (McIntyre), the Representative to the United Nations (Young), the Director of the Arms Control and Disarmament Agency (Warnke), the Chairman of the Joint Chiefs of Staff (Jones), the Director of Central Intelligence (Turner), and the Director of the Office of Science and Technology Policy (Press)**<sup>1</sup>

Washington, June 14, 1978

SUBJECT

Cutoff of Fissionable Materials and the SSOD

The President has clarified, as follows, our position at the UN Special Session on Disarmament on the issue of the cutoff of production of fissionable materials for nuclear weapons:

The U.S. Government is not prepared, at this time, to agree to enter into specific negotiations on a cut-off, should such negotiations be proposed by other states. However, we should be prepared to go along with a final document of the SSOD which includes a general call for negotiations on a cut-off.

**David Aaron**

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<sup>1</sup> Source: Carter Library, National Security Affairs, Staff Material, Brzezinski Office File, Subject Chron File, Box 118, Special Session on Disarmament: 6-7/78. Secret.

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501. **Telegram From the Mission to the United Nations to the Department of State**<sup>1</sup>

New York, July 3, 1978, 1536Z

2774. Dept. Please pass to all diplomatic posts. Subject: Special Session on Disarmament—Wrap-up.

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<sup>1</sup> Source: National Archives, RG 59, Central Foreign Policy File, D780274-0227. Confidential; Immediate. Sent to all diplomatic posts as telegram 168947, July 4, (National Archives, RG 59, Central Foreign Policy File, D780275-0390.

1. Summary: The plenary of the Special Session on Disarmament concluded in early hours July 1 with the adoption by consensus of the draft final document as transmitted in USUN 2726,<sup>2</sup> 2727,<sup>3</sup> and 2751<sup>4</sup> (NOTAL). Forty-five countries expressed views and/or reservations at the closing meeting. This message provides our assessment of the significance of the Session. End summary.

2. As the first global conference on disarmament since 1932, the Special Session inevitably raised high expectations. Many hoped for major breakthroughs or fresh departures in the field of arms control and disarmament. Given the sharply differing views on the approach to and objectives of the Special Session among the major groups and key players, and the importance of these issues to security interests of all nations, the prospects for consensus seemed remote. The consensus outcome can be attributed to the determination of a number of key Delegations and individuals, and readiness finally to compromise on a number of difficult issues. Recognition of the importance of ongoing efforts in disarmament negotiations was also an important factor.

3. The result is a final document which constitutes an agreement by the international community, including the nuclear weapons states and our Western allies, to a broad agenda of goals and priorities for disarmament negotiations in the years ahead. The text, while not fully meeting the desires of any single country or group of nations, has generally been well received by Delegations. Our allies have told us that they are satisfied with the result and believe it will get a good reception in their countries.

4. Our acceptance of the final document except for a few reservations is seen by the Non-Aligned and others as evidence that we are attaching more importance to multilateral disarmament efforts. At the same time, we believe that our political and security interests have been fully preserved. Our reservations on some nuclear questions have clarified to others our specific concerns without undercutting the basic consensus which has been attained.

5. The outcome of the Special Session is seen here as the beginning of a new phase in which the UN and its associated bodies will hence-

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<sup>2</sup> Telegram 2726 from USUN, June 29, contains the *ad referendum* text of the SSOD's final declaration on disarmament. (National Archives, RG 59, Central Foreign Policy File, D780268–0853)

<sup>3</sup> Telegram 2727 from USUN, June 29, reported that the Eastern European bloc countries objected to the reference in the *ad referendum* text of the SSOD's final declaration on disarmament "to 'principle' of 'creating new forums' relating to disarmament and one section which is an Italian proposal supported by no other Delegations. It is expected that Italian language and EE block brackets will dropped during debate in ad hoc committee on June 29." (National Archives, RG 59, Central Foreign Policy File, D780268–0950)

<sup>4</sup> Telegram 2751 from USUN, June 30, contains the text of the final document of the SSOD. (National Archives, RG 59, Central Foreign Policy File, D780270–0419)

forth play a larger role in disarmament issues. Among the significant achievements we would highlight the participation of France in the re-structured Disarmament Committee and the higher profile China has shown in the arms control arena. The decisions to enlarge the Disarmament Committee (DC) and to revive the UN Disarmament Commission reflect the greater interest by more states in participation in international disarmament deliberations. An immediate follow-up problem will be the selection of the 5 to 8 new members of the DC. An intensive lobbying campaign by interested states has already begun.

6. Another significant result is the recognition by the international community of the importance of conventional arms issues, particularly international transfers. The Japanese deserve considerable credit for persevering on this issue. We were also able to avoid reference to the controversial issue of production.

7. In the final text, the urgency of undertaking negotiations in the area of nuclear disarmament is acknowledged but in such a manner as to make clear that these negotiations must proceed in a measured and ordered fashion. Our commitment to the earliest possible completion of SALT II and CTB as well as our new policy statement on security assurances helped our position at the SSOD. In the end the Indians did not press for a vote on their draft resolution for a nuclear test moratorium.

8. The Indians also sought to include a call for a binding international commitment on the non-use of nuclear weapons. The final text on non-use was a delicate compromise on this highly sensitive problem. Indian PermRep Jaipal expressed his appreciation of our readiness to be forthcoming on this issue in his statement to the ad-hoc committee on June 30.

9. The non-proliferation section, while clearly not all we wanted, give clear expression to the importance of international action to prevent further proliferation of nuclear weapons. The underlying differences of view between US and key non-nuclear states (Brazil, Pakistan, India) inevitably remain.

10. By working out the final consensus we headed off a number of unacceptable proposals including: the Indian characterization of nuclear weapons use as a crime against humanity, the Non-Aligned demand for withdrawal of foreign bases, and the Soviet texts on the neutron bomb and the non-stationing of nuclear weapons on territories of states where they are not now present. The two Indian resolutions and the Iraqi-inspired resolution against Israel were withdrawn, enabling US to avoid confrontations on several highly contentious issues. There was also a plethora of other issues and proposals on which consensus was not possible and which were handled by a decision to refer them to the appropriate deliberative body (Disarmament Commission or the 33rd UNGA).

11. Assessment of performance. Ironically France emerges as perhaps the least satisfied Delegation. While on the one hand they did work out the terms of an agreement enabling them to join the reconstituted Disarmament Committee, all of their initiatives were blocked by Soviet objections. Thus, their proposals for an international satellite verification agency, an international disarmament fund for development and an International Research Institute have simply been included in a follow-up section for possible consideration by the 33rd UNGA, where they are likely to receive approval in a voting situation.

12. Of the other allies, the British were by far the most active, particularly on nuclear and machinery questions. Although at times they were in our view a bit over-zealous, they provided help on crucial issues, especially in the nuclear field, with deft drafting that broke several stalemates. The British also acted as spokesmen for the EC-9, most of the rest of whose members were comparatively passive except on issues of particular concern to their narrow national interests (e.g. membership in the new negotiating body). The Netherlands, Canada, Australia and New Zealand, who have been firm supporters of non-proliferation efforts, vigorously participated in the extremely difficult negotiations on this issue. Canada initially lobbied hard for the proposals put forward by Prime Minister Trudeau in his plenary speech on nuclear disarmament, including the cessation of flight testing, but retreated when they got a cold shoulder from most allies and no support from the Non-Aligned who wanted to maintain their own proposals intact. The Danes and Norwegians who talk a good game on general disarmament issues, contributed little except to warn us off from a corridor effort to find satisfactorily weak language in which to take note of the Soviet proposal on non-stationing of nuclear weapons in areas where they are not now present. Australia and New Zealand, in a somewhat quixotic and poorly coordinated move, associated themselves with the Indian draft resolution calling for a moratorium on nuclear testing at a time when we and the Indians were working behind the scenes to reach the compromise on language in the program of action which eventually killed the resolution.

13. The Western European neutrals played no significant role. The Swedes were surprisingly ineffective. Their leader, Mrs. Thorsson, a lion in past disarmament debates, remained in the background expressing her general displeasure in private but taking no active part in the drafting of the final document. This posture probably reflects her loss of standing with the Non-Aligned as a result of her tough tactics at the NPT review conference. Swedish CCD Ambassador Hamilton was coordinator of the drafting group that produced the non-nuclear portions of the program of action but did not provide strong leadership. The Finns were completely out of the action except for a weak effort in pri-

vate to try to draft a bland compromise final document. This document never surfaced in committee. The Austrians were moderately active in an attempt to give credibility to their bid for membership in the new CD.

14. The Soviets seem to have come prepared to obtain as great an advantage as they could but finally agreed to join a reasonable consensus. In our judgement they obtained very little i.e. some reflection of the Brezhnev proposal on a halt in the production of nuclear weapons and a very lukewarm endorsement of an eventual world disarmament conference but no mention of the neutron bomb to which they had attached considerable importance. On machinery they negotiated hard to keep changes to a minimum but showed sufficient flexibility to enable a deal to be struck on the negotiating body.

15. The Non-Aligned by no means achieved all they wanted but did not go away angry. They now have a greater stake and a larger role in international disarmament efforts. Despite the early establishment of a coordinating group, they had no cohesive leadership and in the end they fragmented. On some issues such as non-proliferation they were divided among themselves. Our impression is that there was a behind-the-scenes struggle between the radicals and the more moderate states. An example of the radical pressures was the Cuban effort to retain language on the dismantling of foreign military bases which was supported by the more moderate Non-Aligned until it became clear that the West would not yield. We also found ourselves in protracted bilateral discussions with the Ghanaian and Egyptian delegations on issues which preoccupied them, ("racist regimes" and Middle East NWFZ), a further reflection of lack of focus and coordination in the Non-Aligned group. Pakistan stood alone on many issues and created enormous difficulties up until the closing moments.

16. The real leadership in the session came from Committee Chairman Ortiz De Rozas of Argentina with the strong Assistance of Ambassador Garcia Robles of Mexico who was named "super-coordinator" in the closing days, and Nigeria's CCD Ambassador Adeniji who was the coordinator for the nuclear section of the program of action. Their combination of firmness and sensitivity to the real concerns of the key countries in the various groups made consensus possible.

**Leonard**



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